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William Prynne

WILLIAM PRYNNE

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All fleſh is Graſs, the beſt men vanity;
This, but a ſhadow, here before thine eye,
Of him, whoſe wondrous changes clearly show,
That GOD, not men, ſwayes all things here below.

WILLIAM PRYNNE

A STUDY IN PURITANISM

BY

ETHYN WILLIAMS KIRBY

HARVARD UNIVERSITY PRESS

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TO

MY PARENTS

PREFACE

FOR nearly three centuries William Prynne has remained in semi-obscurity. Probably none of his contemporaries, with the exception of Charles I and Oliver Cromwell, was more written of in the pamphlet warfare or more frequently mentioned in contemporary memoirs and letters; but aside from the fragment of biography left by John Bruce, Prynne has been relegated to casual mention, jibing comment, footnotes, or too brief commendation. The mediævalist, the student of the drama, the writer of legal and parliamentary history — all have acknowledged their debt to Prynne. This study is the first attempt to tell the story of Prynne's life.

My sincere thanks are here given to Professor Wilbur C. Abbott, for his valuable advice and assistance. The privilege of using pamphlets and manuscripts in Widener Library, the Library of Lincoln's Inn, the Public Record Office, and the British Museum is gratefully acknowledged. I also wish to express my appreciation of scholarships given by Radcliffe College and of a grant from the American Council of Learned Societies which helped make possible research in England. To my sister, Nesta Lloyd Williams, and to my husband, Chester Kirby, for help, criticisms, and encouragement, I am deeply indebted.

PROVIDENCE, RHODE ISLAND
February, 1931

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WILLIAM PRYNNE

I. THE TRAINING OF A PURITAN

Besides what the grim wolf with privy paw
Daily devours apace, and nothing said.

TO A London glamorous if only with the fast vanishing radiance of Elizabethan glories, William Prynne came in 1621 to try his fortune. An austere youth, saturnine in appearance and sober of reputation, neither he nor his fellow students at Lincoln's Inn, where he betook himself to study law, could have foretold the strange career which the whirligig of time was to bring him. His name was to stand among the foremost of the pamphleteers of this controversial age. The scourge of drama and tyranny, — *histriomastix* and *tyrannomastix*, — the relentless critic of manners and dress, the bitter denunciator of papacy, prelacy, Scotch Presbyterianism, Independency, and Quakerism, he was to exhaust the vocabulary and men's patience. As the opponent of the absolutist tendencies of Charles I, of the republican schemes of the army, and of the dictatorship of Oliver Cromwell, as one of the chief factors in the restoration of Charles II, and lastly as adviser and pensioner of that merry monarch, he was to run up and down the gamut of political experiences. Pilloried and mutilated three times, imprisoned by Charles I and again

by the army, he nevertheless was to end his days full of honor as Bencher of Lincoln's Inn, member of the house of commons, Elder Brother of Trinity House, and Keeper of Records in the Tower of London. It would be difficult to find a parallel to such a paradoxical career, the explanation of which may be found in the fact that Prynne was essentially a Puritan.

Prynne's background undoubtedly explains his Puritanism, if not the pronounced way in which it was to manifest itself. Somerset, where Prynne was born and where he spent his childhood, was notoriously a Puritan shire, so that Prynne had been brought up in the atmosphere of frequent sermons, or lectures as their habitués called them. His father, a gentleman farmer and tenant of Oriel College, of godly repute, served as warden of the little parish church of Swainswick, which was close to his home. His mother's father, William Sherston, had been so highly esteemed by his fellow men that he was eight times mayor of Bath and five times returned to the house of commons by that constituency. The fact that Sherston was in the house of commons at the time of the Gunpowder Plot in 1605 may partially explain Prynne's extreme aversion to popery, for doubtless as an impressionable small boy he had heard retold countless times the story of Guy Fawkes' discovery and of the nefarious plots of the Roman Catholics. And, further, it must be remembered that he was born only twelve years after the threatened invasion of the Spanish Armada. Deeply rooted within him, as a descendant of the sturdy yeomanry, were conserv-

atism and a passionate love of England and her traditions.[1]

From the grammar school in Bath, Prynne with his younger brother Thomas passed in 1618 to Oriel College. Of his three years at Oxford we know almost nothing.[2] Long Calvinistic, the university, at this time under the leadership of the new chancellor, Lord Pembroke, was becoming Arminian and anti-Calvinistic. Prynne thus arrived at a time when Puritanism was on the defensive and, therefore, the more to be admired by a young man of dogged spirit. Yet he outwardly conformed; for during his life as a student, he tells us, he was never accused of the least misdemeanor or dissension.[3] He received his degree of Bachelor of Arts on January 22, 1621.[4]

His first years in Lincoln's Inn, to which he was admitted on June 16, 1621,[5] seem to have been devoted to the study of law. Readings, meetings, boltings, and other learned exercises, as well as resort to Westminster to hear the pleadings and judgments of

[1] The facts concerning Prynne's ancestry and early life are found in R. E. M. Peach, *Annals of Swainswick* (Bath, 1890); and *Documents relating to William Prynne*, edited by S. R. Gardiner for the Camden Society (1877), which contains part of a biography begun by John Bruce. Swainswick is always given as his birthplace, and the year 1600 as the date of his birth; an examination of the Parish Register at Swainswick showed no entries for the years at the turn of the century.

[2] *Register of Oxford University* (Oxford, 1887–1889), Part II, p. 367.

[3] Letter to Archbishop Laud, *Documents relating to William Prynne*, p. 34.

[4] *Register of Oxford University*, Part III, p. 391.

[5] *Register of Lincoln's Inn* (London, 1896), I, 188. Admission to this Inn of Court, except for four students of "what kind they like" each year, was open only to a knight's son or the eldest son of a squire. *Black Books of Lincoln's Inn* (London, 1898), II, xxi.

the greatest lawyers and judges in this legalistic age, left to a student of Prynne's industry and earnest nature little time for dalliance.

A zeal for reform was, however, mixed with his intense interest in law. In the very Inn of Court, supposedly dedicated to the study of venerable antiquities, he beheld shocking frivolity. It was the custom of the inns to keep "open revels" every Saturday night from All Saints' Eve to Candlemas, when the students enjoyed music, dancing, and dicing, often until four o'clock in the morning; by reason of which cheer "the Lords Day was much prophaned, and God['s] publike ordinances on the Lords-day morning neglected by the Revellers." Further, to Prynne's regret, those gamesters who did attend church slept cheerfully throughout the sermons. Such sacrilege was "a great corrasive" to his spirit. The chaplain of Lincoln's Inn, the famous and militant Puritan, Dr. Preston, as well as sundry religious students, likewise objected to such godlessness. Prynne, as spokesman for the reformers, influenced some of the more pious benchers so that an order of the Council of Benchers suppressed the gaming and dicing and shortened the hours of revels on Saturday nights.[6]

In an age when the plays of Shirley and Ford, Jonson and the great Shakespeare himself, were creating the golden age of the theatre, not even such an ascetic as Prynne could resist the importunities of some godless comrades to indulge in this amusement. But he

[6] William Prynne, *A Briefe Polemical Dissertation* (London, 1665), Introduction.

saw only four plays — their names are unknown — and the effect of these few upon this guileless youth was such that henceforth he shunned the playhouse, and thus avoided the fate of four of his fellow students, who, civil and chaste at first, became so "vitious, prodigall, incontinent, and debaist," in less than half a year, that two of them were disinherited by their parents.

In his religious life Prynne was more fortunate. During his first years in London, Donne, with his sombre and soul-searching sermons, was the lecturer at Lincoln's Inn; and his successor, Dr. Preston, preached a no less dour and more militant Calvinistic doctrine. A man of Prynne's austerity under such influence could not but be interested in theology. As a legalist he would view with disapprobation any innovations. So, it happened that at the age when most of his fellow students sought diversion from their studies in playgoing, bear-baiting, and such frivolity, Prynne threw himself heart and soul into the great religious controversy of his day, and by so doing carved out a far different future for himself than the law student usually had.

By joining the ranks of the religious controversialists he left the calm of the Inns of Court and entered the hurly-burly of a pamphleteer's life. A world of unlicensed presses, smuggled books, suppressed tracts, silenced ministers, libels, and counter-libels confronted him. To a young man of adventurous spirit and dogged will there was a fascination in such literary buccaneering. The very evasion of the licens-

ing laws, which required that all books be approved by the Archbishop of Canterbury, the Bishop of London, or their chaplains, allured the adventurous. Coleman Street and its alleys, the region around St. Paul's Cathedral with its clustered bookstalls, were the Spanish Main. And though the loser in the struggle did not walk the plank, yet the risks were great. The law-breaking writer, hunted down by the pursuivants of the ecclesiastical court, must for his daring be brought before the Court of High Commission, if his pamphlet had been on a religious subject, or before the Court of Star Chamber, if his offence had been political. These branches of the Privy Council had tremendous powers: the offending pamphleteer might be sentenced to mutilation, imprisonment for life, or the payment of heavy fines, and not he alone but his stationer and printer might be thus punished. As rivalling, rather than supplementing, the common law courts, these judicial bodies brought down upon themselves the enmity not only of the defiant pamphleteer, but of the lawyers and judges of the common law; so that it often happened that the writer on trial might free himself by producing a prohibition from the Court of King's Bench. More frequently, however, the too zealous author must endure a long and tedious trial and severe punishment.

The harsh laws governing the press had been passed in the reign of Elizabeth because of popish propaganda and intrigues. By the end of the 1620's, however, the government had little fear of Romish

schemes, and turned its attention with increasing severity to the Puritans, who by their flood of pamphlets were bringing state and church, king and bishop, into disrepute. Moreover, heresies were being fostered by the secret printing of books. Even the bible might be so corrupted as to serve the ends of these contentious folk. For, though in the house of commons dissatisfaction might be voiced at the policy of James I or of his son Charles, the evils which these pamphleteers decried mainly had to do with things spiritual: the danger of popish influence (especially because Charles I had married a Romish princess who had brought with her from France her own friars and who was gradually exerting more influence upon the king) and the tendency of the clergy to abandon Calvinist dogmas in favor of Arminian doctrines brought from the continent.

Not only the many-paged book but the broadside was used to warn Englishmen of the dangers to the Protestant faith. The latter was especially attractive because, being but a single sheet, it might be posted in a conspicuous place, such as Charing Cross, a door of St. Paul's Cathedral, or even a tavern wall. From London the unlicensed and subversive books were distributed in the shires by chapmen. An air of mystery pervaded these transactions. Carefully wrapped to simulate white paper, the pamphlets escaped the keen eyes of the ecclesiastical minions.[7] The stationer when questioned showed an amazing ignorance concerning them: where they came from, who bought

[7] *Cal. S. P. Dom. Car. I, 1633–1634*, p. 213.

them did not interest him so long as he disposed of them. Strange porters left with the stationers' servants great piles of unlicensed pamphlets. In the case of one bookseller one half of the books had been sent away during his absence to chapmen in the country.[8] Some merchants upon receiving such illegal books immediately reported them to the mayor or to the ecclesiastical authorities. Others, more sympathetic with Puritanism or perhaps more daring, or more eager for the sixpence, sold them and ran the risk of being haled before the courts.

Into such an atmosphere as this, where author and printer, stationer and purchaser, coöperated bravely to spread the Puritan faith, Prynne now plunged with characteristic eagerness. Although continuing his legal studies, he followed during the rest of his life the career of a fearless and learned pamphleteer.

As has been said, clergy and laity of Puritan sympathies were stirred during the 1620's by the situation in the church. Calvinistic influence had been declining of late; Archbishop Abbot, something of a Puritan, was in disfavor at the court, where all were following the Arminian tendencies of the new monarch, Charles I, and bishops and other clergy were being recruited from the non-Calvinistic clergy. Indeed, so markedly were they receiving spiritual preferment that the witty remark of George Morley, who when asked what the Arminians held replied, "All the best livings in England," was proving but too true. The influence of Arminius, the Dutch theologian, was

[8] *Cal. S. P. Dom. Car. I, 1629–1631*, pp. 202, 203.

driving from the church its Genevan simplicity, to substitute therefor a ritualism which to the Puritan smacked of popery. Genuflexions, bowings, and the sign of the cross; the placing behind the chancel rail of the altar, now too often desecrated by secular use in its position in the nave of the church; the practice of kneeling to receive the Eucharist, were but a few of the changes which the Arminians would make in ritual. Worse, however, to the followers of Geneva, were the new fashions in theology. For instead of the harsh tenets of predestination and original sin, these innovators believed in free will and in the boundless grace of God: all might sin, but all might be forgiven. There were no longer the elect; and thus was thrust aside the cardinal doctrine of Calvinism: "For all are not created in like condition, but for some eternal life, and for others eternal damnation, is fore-ordained." It must be realized, however, that not all clergy and laity were definitely in one or the other category. Many of latitudinarian principles would cast aside pettifoggery and have within the church the better qualities of the two schools. And while some travelled along the liturgical path Romewards, others strayed beyond Puritanism into separatism. Each party had within itself headlong spirits who intensified the differences. Such a zealot was Prynne; and in the Arminian party were to be found men equally intolerant, chief among whom were William Laud, Bishop of London, and Richard Montagu.

By his denial of the "infallibility of the soul once regenerate," Montagu had incurred the hostility of

the Puritan party. Indeed, the Arminianism and the political theory of his pamphlet, *Appello Caesarem*, with its implication of royal absolutism, had led to his impeachment by the house of commons, and only the favor of Charles I, newly come to the throne and jealous of his prerogative, had saved him. The pamphleteers were not to be quieted, but were rather the more inspired, by such royal partiality. In spite of the efforts made to suppress their books, and in spite of the threat of prosecution in the Court of High Commission, the Puritans denounced Montagu's doctrines. Dr. Preston of Lincoln's Inn led this group of protestants, and it was doubtless through his encouragement that Prynne began his career as a pamphleteer by writing against the High Church party.

In 1627 appeared Prynne's *The Perpetuitie of a Regenerate Man's Estate*. Dedicated to Archbishop Abbot and duly licensed, it boldly attempted to prove the error of Montagu's theology. The folly of the "purblinde, squint-eyed, ideall Arminian Novellists" in questioning sound Calvinistic doctrines was, in his opinion, the extreme of irrationalism:

> What is this but to make a sample whether the day be light or not; because Buzzards and blind-men cannot see it? or sottishly to enquire, whether the Sunne stands centred in one constant Climate, whiles the massie Earthe wheeles around; because one brainsicke Copernicus out of the sublimitie of his quintessential transcendall Speculations, hath more senselessly then metaphysically, more ridiculously then singularly averred it?

With such bitter words and with long quotations from the Fathers and the Anglican bishops he refuted Montagu's theology.

His fear that the pamphlet's late appearance, a year after the controversy had been at its height, — a tardiness which he declared was the printer's fault, perhaps because of the difficulty of licensing such a fiery book, — might lessen its effectiveness was unwarranted. Its violently Calvinistic tone so offended Charles I and the bishops that the Court of High Commission took action. Because writs could not be served within the Inns of Court a letter with summons to Prynne was sent to the Benchers of Lincoln's Inn.[9]

Within the two weeks from the receiving of the summons to the day when Prynne must appear within the consistory of St. Paul's Cathedral, the Calvinistic party rallied to the defence of its pamphleteer. So it happened that when on October 24, 1627, the arrogant Bishop of London and some three or four other prelates and clergy who sat in the court were about to censure the recalcitrant Prynne and a fellow prisoner, Henry Burton, the former produced a prohibition from the common law courts at Westminster. Such questioning of the legality of the bishops' court and such overriding of ecclesiastical authority angered the fiery bishop. Baffled of his prey, he threatened to lay Prynne by the heels for delivering the rule; and, though unable to punish the author, he did not spare the book, but burned it in private.[10]

[9] *Black Books of Lincoln's Inn*, II, 271 f.

[10] Peter Heylin, *Cyprianus Anglicus* (London, 1671), p. 148; Prynne, *New Discovery of Prelates Tyranny* (London, 1641), p. 1; Letter to Archbishop Laud, June 11, 1634, *Documents relating to William Prynne*, p. 50; Henry Burton, *For God and the King* (London, 1636), Preface.

His zeal increased rather than lessened by such treatment at the hands of the prelates, Prynne attacked in succeeding pamphlets this new Romanizing theology. *A Briefe Survey and Censure of Mr. Cozens His Cosening Devotions*, in 1628, was not calculated to placate the churchmen. It was written in protest against Cosin's *A Collection of Private Devotions*, which had appeared in February, 1627. Henrietta Maria, the French queen of Charles I, and her ladies had censured the Anglican church for its lack of breviaries, in the reading of which the courtiers might piously spend their hours of leisure. Charles I thereupon urged Cosin to compile such a book. Though it was collected from an office published by the queen's authority in 1560 and from the Anglican liturgy, Prynne professed to see in it only a popish influence, "scandalous and preiudiciall to our Church." He repeated his protests against such practices the following year in *The Church of England's Old Antithesis to the New Arminianism*, dedicated to Parliament.

Such daring attacks did not go unnoticed. And though no record is found of the prosecution of Prynne for these pamphlets, — aside from his statement in 1641 that he was several times and in several terms before the Court of High Commission,[11] — Michael Sparke, the publisher of Prynne's most recent book, and stationer, did not escape. The Commissioners for Causes Ecclesiastical on April 2, 1629, ordered Sparke's imprisonment in the Fleet Street prison.[12] His examination in May reveals vividly the

[11] Prynne, *New Discovery of Prelates Tyranny*, p. 7.
[12] *Cal. S. P. Dom. Car. I, 1628–1629*, pp. 513–514.

Puritans' methods of propaganda, as well as their courage and their confidence in the legality of their stand. For they glorified common law and saw in the pretensions of the prelates an effort to introduce canon law. Sparke in his answer boldly declared that the Star Chamber decree regulating printing directly entrenched on the hereditary liberty of subjects' persons and goods and violated Magna Charta. As for Prynne's book, the printing of which had been divided between two publishers, evidently for secrecy, he maintained that the author had done all to the glory of God, the honor of the king, the good of the church, and the welfare of the doctrine of the Anglican church.[13] Copies of the book, it was later shown, had been sent as far away as Cambridge "in sheets" to a bookseller, with a note signed "Orthodox." Dr. Matthew Wren, Vice-Chancellor of Cambridge, had acted promptly to check the spread of this pestilent heresy, finding the names of the twelve persons to whom copies had been sold and taking possession of the remaining books.[14] The other printer of this pamphlet, Augustine Matthews, attempted to condone his act by declaring that when he requested Prynne to show him his license Prynne replied that the book was already licensed and that if Matthews would not print it he would procure another printer. Some thousand or more copies were then made by the intimidated Matthews and accordingly paid for by Prynne.[15]

Other questions also were attracting Prynne's at-

[13] *Ibid.*, p. 538. [14] *Cal. S. P. Dom. Car. I., 1629–1630*, p. 563.
[15] *Ibid.*, p. 569.

tention. Oddly enough he disregarded the struggles of the house of commons to check the king's growing power, and, as far as we know, showered no invectives upon the futile and tragic foreign policy, but he did not spare the frivolity of his day. *The Unloveliness of Lovelockes*, 1628, illustrates his Puritanism very well. He seemed blissfully unaware that the fantastic exuberance of his vocabulary might be as much a breach with Puritanism as foppish dress. The scorn of the Puritans for the flowing hair of the worldlings had led them to keep their hair "cut shorter than their eyebrows," Ben Jonson declared in *Everyman Out of His Humour*. Prynne was thus typical of his kind in railing against folly. And though he did not blaspheme custard through the nose, as *Hudibras* declared was the ungraceful habit of the Puritans, he did take his pen against the drinking of healths. In a pamphlet, *Healthes Sicknesse*, Prynne warned Charles I, to whom he dedicated it, that the drinking of healths was but "a kind of shoehorne to draw on Drinke in great abundance." The fantastic phrases and absurdity of the tract did not quiet the fears of the vigilant Laud that Prynne was plotting the overthrow of episcopacy. Indeed, in 1629 the printer of this book and of a more serious one by Prynne, *God No Imposter nor Deluder*, was threatened with imprisonment and his books confiscated. Rumor declared that Prynne had been imprisoned for writing the latter.[61] It is extremely unlikely that such was the case. The printer who published such pamphlets

[16] John Rous, *Diary* (Camden Society Publications, 1856), p. 37. Rous also declared that Henry Burton had again been imprisoned.

without license, rather than the author, according to law, laid himself open to censure. And undoubtedly the bishops were biding their time until they could accumulate sufficient evidence against Prynne to insure a successful prosecution.

Meanwhile the development of popish customs in the church, particularly bowing and genuflecting, had aroused Prynne's ire, so that in 1630 he published a violent attack on Giles Widdowes, a ritualistic cleric, in *Lame Giles His Haultings*. In his zeal Prynne descended to abuse of Widdowes, whom he had known at Oxford: "A poore haulting widdow in truth for Braines and Learning, of which he never had two mites." The indefatigable Laud, angered rather than amused by Prynne's absurdities, brought Michael Sparke again before the Court of High Commission. The stationer was able to prove that he had not published the pamphlet and that the two copies found in his possession had been given to him by Prynne. The prosecution was then dropped.[17] It seems to have been a perfunctory thing, significant only because it shows how closely Laud was watching the press.

Prynne's insurgency, as well as his legal ability, is revealed in a trial in the Court of Star Chamber on November 16, 1631. Despite his controversies, he had not neglected his legal studies and had been admitted to the bar some time before.[18] His pamphleteering

[17] *Cal. S. P. Dom. Car. I, 1629–1630*, pp 3, 35, 39.

[18] *Black Books of Lincoln's Inn*, II, 277. Prynne had been declared qualified in "learning and honesty" to practise on June 24, 1628; but the law required that he keep the exercises for three years before he could be an utter barrister. *Ibid.*, II, xxii.

has overshadowed the fact that he was a very good lawyer; in later years his eminence in the legal profession was to be demonstrated in such famous cases as those of Archbishop Laud, Colonel Fiennes, and Connor Lord Macguire. On this occasion he acted as attorney for the defendants, Samuel Jemmat, a clerk, and others, who had been accused of riots and misdemeanors in the church at Sudbury, Suffolk. Their vicar, the Reverend Mr. Allen, charged that they had not only refused to kneel for the Sacrament but had thrown the Sacrament under their feet. Because he would not permit them to receive it sitting they in return had tried to dispossess him of his living.

The issue was one dear to Prynne. He cleverly countered the attack by declaring that Allen himself, instead of the defendants, was guilty. For Allen, while already beneficed, had accepted another living and had then left the curacy of Sudbury vacant; and pluralism, to Prynne, was a far more deadly sin than the scruples of communicants. Indeed, he would not admit that refusing to kneel for the Eucharist was nonconformity. So bravely did he defend his clients that he drew upon himself a rebuke from Laud.[19] The final judgment of the court has not been recorded. Perhaps the strength of Prynne's counter-attack caused Allen to drop the suit. It was at best an unseemly dispute, reminding us of Milton's picture in *Lycidas* of the shepherds scrambling at the shearers' feast and shoving away "the worthy bidden guests;" but it shows Prynne in a characteristic pose.

[19] *Reprint of Cases in the Courts of Star Chamber and High Commission* (Camden Society Publications, 1886), pp. 72–73.

The disfavor in which he was held became more evident on June 21, 1632, in a trial before the Court of High Commission. Henry Mudford, Henry Ferman, and Francis Bridges were being prosecuted for holding "manie false opinions and errours." They should lie by the heels, commanded the Archbishop of Canterbury, and Laud spoke equally harshly. They were sent to prison, to await pillorying. The fruits of Prynne's years of activity as writer of six tracts against the Arminian party and as would-be reformer of social abuses were seen in the command of the prelate: "And let Mr. Prin be articled against for the same; we must not sitt heere to punish poore snakes and lett him goe scot free." [20]

[20] *Reprint of Cases in the Courts of Star Chamber and High Commission*, pp. 270–271.

II. PILLORY AND PRISON
(1633–1640)

His brain's career was never stopping;
But pen with rheum of gall still dropping;
Till hand o'er head brought ear to cropping.
BUTLER'S EPITAPH ON PRYNNE

THE years 1633–1640 were for most Englishmen quiet and placid, full of calm which was to contrast strangely with the turbulence of the next twenty years. The aggressive Prynne, however, now began to reap the fruits of his controversial zeal. During these years he twice appeared before the Court of Star Chamber, and suffered each time the most severe penalty short of death. Prynne here may be regarded as the embodiment of militant Puritanism, engaged in remorseless combat with the new forces in England. Learned, bigoted, courageous, he used every weapon in his power to strike down the foes of Puritanism. His enemies, though, had now become more powerful; and one antagonist in particular, between whom and Prynne was a bitter personal animosity, was at last in a position to strike at this controversial Puritan.

The appearance of *Histriomastix: Or, The Players Scourge and Actors Tragedy*, Prynne's famous attack on the stage, late in 1632, gave Laud, now elevated to the archbishopric, the opportunity he long had sought. Prynne's writings, hitherto, had not given

adequate grounds for "articling"; despite the violence of his attacks on the current social and ecclesiastical abuses, they stopped short of libel and were free from political significance. *Histriomastix*, though nominally an attack on the stage, was to prove of far greater importance as a phase of the struggle between the Puritan party and its enemies. As "the players' scourge," it was only one book of many written against the theatre; more than forty others had appeared during the late sixteenth and early seventeenth century, we learn from Prynne's citations. Its publication served merely as a pretext for the court party to prosecute this dogged Puritan pamphleteer.

Prynne, it was learned during his trial, had spent nine years in preparing this abuse of folly — a fact which shows that it was not written against the participation of Queen Henrietta Maria in a masque late in 1632, as was claimed by Prynne's prosecutors. Dedicated to Lincoln's Inn, the book warned youthful lawyers to shun the sinful atmosphere of the theatre, for too many, the author lamented, learned as soon as they were admitted to the Inns of Court "to see stage-playes and take smoke at a play house." That 40,000 play-books had been printed within two years and that six playhouses, "the Divells chapells," were overcrowded, had been the direct inspiration of this pamphlet's 1006 pages.

The book was indeed a curious one. In the manner of those plays which it attacked, it was arranged in acts and scenes, with a "chorus" or recapitulation of the arguments against the drama at the end of each

act. It closed with a final heaping-up of epithets in a "Catastrophe," Prynne little realizing that he himself was to provide it. Despite its length, he was never at a loss for an abusive term to describe the utter wantonness of playhouses, actors, and patrons. In his enthusiasm he included all manner of pleasures in his jeremiad; men never "went as yet by multitudes much less by morrice-dancing troopes to heaven," he warned; and with all the intensity of an Old Testament prophet he predicted that those who loved rounds and dances would have a portion with Herodias in hell. Organ-playing in the churches, New Year's gifts, the mistletoe and holly of Yuletide, and the bonfires of Midsummer's Eve — all were denounced.

The commonwealth, Prynne seriously urged, was prejudiced by the present corruption of morals and manners. Ministers, lawyers, courtiers, physicians, justices, and mayors were represented on the stage in "a gross and scurrilous manner," so that governors and government alike were brought into disrepute. Stephen Gosson, a "reclaimed Playpoet," was quoted as having declared plays to be "Rats-bane to the government," and their audience "the Mothes, Drones, and Cankerwormes of the Commonweale." Even such depraved rulers as Nero, Tiberius, and Trajan had realized their menace to the state: the more should Christian monarchs cast them forth from their kingdoms. Indeed, it was infamous for them to act in or to frequent plays, or to favor actors — they whose life should be exemplary and who

could no more be diverted by viewing such spectacles than could the magnanimous lion by chasing a mouse. Already laws on the statute books declared all players to be but vagabonds and therefore to be punished. Let the king but realize, Prynne besought, that he is most honored when God is best served by his subjects, and he will forthwith drive from his kingdom these abominations, these seminaries of vice. Were the king to do this, Prynne would feel that the years spent in writing this book had indeed been devoted to the benefit of the republic and the glory of God.

Prynne's reasons for adjudging playhouses evil places ranged from the moral to the economic. One of the most practical was the great expense "in these penurious times." For men spent from twopence to five shillings in one afternoon, he claimed, if "coach-hire, Boate-hire, Tobacco, wine, beere, and such like vaine expenses which Playes doe usually occasion be cast into the reckoning," while their families starved at home. Worse, not only did men become "inamor'd with love of sinne and vanity," but women were attracted by this "apish pastime." The playhouse, the total depravity of which is shown also in the fact that pipes were offered to the feminine attendants, was to be blamed for the sinfulness of "our lascivious rattle-pated gadding females." And if Prynne did not term Henrietta Maria a notorious whore, as is often claimed, he did not specifically except her in his scathing denunciation of women who boldly took part in masques. Patrons, he lamented, failed to heed the warning in the recent burning of the Globe and

Fortune theatres or in "the visible apparition of the Divell on the stage at the Bel-savage Play-house in Queene Elizabeth's dayes whiles they were there prophanely playing the History of Faustus." Scurrilous and obscene incidents were portrayed, not for warning, but because of the delight of the play-writers in such wickednesses:

> Doe not Play-Poets and common Actors (the Divels chiefest Factors) rake earth and hell it selfe; doe not they travell over Sea and Land; over all Histories, poemes, countries, times and ages, for unparalleled villainies, that so they may pollute the Theater with all hideous obscenities, with all the detestable matchlesse iniquities, which hitherto men or Divels have either actually perpetrated or fabulously divulged?

Though Prynne knew very little about the theatre from actual experience (for he had attended only four plays), he had read widely. In the last half-century scores of Puritans had attacked the stage, and Prynne had carefully studied their writings. All sorts of authorities, — even forty heathen philosophers and Tartar laws, — were marshalled with a fine eye for stage effect into seven squadrons, the second of which was "the venerable hoary resolution of the whole primitive church."

Histriomastix, as has been said, appeared late in 1632. Its sale was forthwith prohibited, in January, 1633.[1] Archbishop Laud took the book at once to Charles I, who declared that he saw in it nothing worthy of prosecution. Undaunted, the prelate then

[1] Bulstrode Whitelocke, *Memorials of English Affairs* (Oxford, 1853), 1, 52.

ordered Heylin, his chaplain, who was hostile to the Puritan party, to read Prynne's books and to collect "scandalous points."[2] With this evidence, Laud went to Noy, the king's attorney, on a Sunday morning, a proceeding which in Prynne's eyes was made even more nefarious by the fact that he kept Noy from the Sacrament. The attorney, perhaps because he was also of Lincoln's Inn, perhaps because he felt that Puritan baiting was being carried too far, agreed with Charles I that the book contained nothing censurable in the Star Chamber.[3] The Archbishop, however, persevered.

On January 24 Prynne was examined by one of the secretaries of the Star Chamber, and a week later by Noy. He acknowledged the authorship of the book and of the marginal notes. Michael Sparke, it appeared in the examination, had received for recompense only thirty-six copies; Buckner, the king's chaplain, had licensed the sheets as they were printed and had disapproved of only one page, which was then reprinted. Prynne further declared that the first part of the book had been printed before the end of the Easter term, the second part in Michaelmas in 1632, but the greater part seven years ago.[4] In February of this year Prynne was committed to the Tower, where, except for two brief removals to the Fleet, he remained until 1637.

The king's chaplain, upon whom all blame for seditious passages was thrown by Prynne's testimony,

[2] Thomas Birch, *Court and Times of Charles I* (London, 1848), II, 322.
[3] *Cal. S. P. Dom. Car. I, 1631–1633*, p. 524. [4] *Ibid.*

was not examined until July 9. He disagreed with Prynne. In April, 1631, Sparke, he declared, had brought to him seven sheets about stage plays. Being inexperienced and not knowing who the author was, he had read as many as he could. Nothing offensive to "the good, just, and religious government of the king" was found. A few weeks later he read the first sixty-four pages of the *Histriomastix*. Later he attempted to stop the printing of it, but found that it was being published secretly. His order for its restraint had been disregarded, only six copies having come into his hands. The testimony that the first part of the book had been printed so long before proved conclusively that it was not written against Henrietta Maria.[5]

As a result of these examinations Prynne was charged with "writting and publishinge a scandalous and a libellious Booke against the State, the Kinge, and all his people" with the purpose of moving readers to discontent and sedition. Prynne's refusal to plead, though he had been permitted to go to his study in Lincoln's Inn to procure books and paper for framing his answer to the bill and though he had had counsel assigned to him, laid him open to conviction.[6]

Before, when he had been in danger of judgment, a prohibition from a higher court had saved him. Now,

[5] *Cal. S. P. Dom. Car. I, 1631–1633*, p. 135.

[6] Three accounts of the trial are available: that in Additional MSS. 11,764, reprinted by S. R. Gardiner in *Documents relating to William Prynne*; that in *State Trials* (London, 1720–1731), III, 562–585, in which the date is wrongly given as 1632–1633; and that in Stowe MSS. 159, in the British Museum, the fullest account and the one used most frequently in the following pages.

however, he seems to have been deserted. A petition to the king, protesting his loyalty and begging His Majesty to "pardon whatever involuntary oversights and offences which may have unadvisedly escaped him and to restore him to his liberty," brought no clemency.[7] Public opinion, indeed, rallied to defend the stage. Milton's *Comus* was written in protest. James Shirley mockingly dedicated *The Bird in a Cage* to Prynne as the "author of a tragedy." The Inns of Court, eager to clear themselves of any suspicion of disloyalty, honored the king and queen on February 2, 1634, with a masque, written by James Shirley, with machinery by Inigo Jones. An unusually splendid spectacle, it was preceded by a magnificent street pageant from the Temple to Whitehall. The marshal of the masque, Thomas Dorrell of Lincoln's Inn, was knighted by the king.[8]

Meanwhile preparations were being made for the trial. Prynne's attacks on the clergy were to receive attention in the Court of High Commission, while the charge of libel was preferred against him in the Star Chamber. On February 7, 1634, after a year's imprisonment, Prynne came before the latter court. Buckner, Michael Sparke, and four other printers were also prosecuted, but were treated with clemency. Sparke, as might be expected, received the most severe sentence of the six; he must pay a fine of £500 (he had already suffered financially, for the printing had cost over £300 and few books had been sold),

[7] *Cal. S. P. Dom. Car. I, 1633–1634*, p. 225.
[8] Whitelocke, *Memorials*, I, 61 f.

and, more ignominious, he must stand in the pillory, with the further shame of handing a copy of *Histriomastix* to the hangman for burning.

In the trial the political significance of *Histriomastix* was stressed. Through the interpretation of his prosecutors, it was made to appear that though not in exact words, yet by examples and "other implicite meanes," he had attempted to teach the people that for acting or for being spectators of plays and masques it was lawful and just to lay violent hands upon kings and princes. Indeed, as Heath, Lord Chief Justice of Common Pleas, pointed out, "others have bene hanged as Traytors that have not gone soe farre in this kinde"; for in addition to his maligning of kings, Prynne had "infinitely abused the Commonwealth, hee would have them thinke that those Contributions and Subsidies which have been graunted upon Speciall occasion have been ill bestowed," an interpretation of Prynne's jeremiad which was liberal, if not altogether unjustified. The judges maintained that they were not defending the stage, but that they were accusing him of treason for his condemnation of monarchs. Equivocation and perjury, of which he was accused particularly in connection with the licensing of the book, received little attention in the trial; libel, verging on treason, was Prynne's crime.

On February 15 and 17 the judges pronounced sentence in language as violent as that used by Prynne. Loss of ears on the pillory was the cruelest and most shameful of the many penalties he must suffer. Because he had been "a scandal to law and

learninge" the University of Oxford and Lincoln's Inn were to degrade him, and disbarment was to follow. In addition to being fined £5000, he was to be imprisoned for life. His books and papers in his study in Lincoln's Inn were sold at the Archbishop's command to anticipate the expenses of his trial in the Court of High Commission.[9] So far as is known, this second trial never took place.

Shortly afterward Prynne, from the Fleet Street prison to which he had been removed, petitioned the Privy Council to intercede for him with the king. Acknowledging the justice of his sentence, he declared that it would prove "his utter overthrow and ruine." Despite his abject plea, the sole response was an order that he be returned to the Tower.[10]

The order of the Court of Star Chamber that all of the copies of *Histriomastix* (of which at least a thousand had been printed) [11] be given up was not obeyed. Attorney-General Noy, who was the official responsible for tracing them, in despair gave the matter to Archbishop Laud, who in turn busied the Privy Council in the affair.[12] On March 7 a warrant for the strict account of all copies was issued. Examination of Sparke's books had shown the booksellers in possession of them: forty stationers in London, nine in Oxford, as well as persons in Salisbury, Exeter, Manchester, Dorchester, Norwich, and Ludlow. They were ordered not only to turn in those which they had

[9] *Documents relating to William Prynne*, p. 33.
[10] Thomas Rymer, *Foedera* (London, 1735), XIX, 520.
[11] Sir Simonds D'Ewes, *Journal* (New Haven, 1923), p. 470.
[12] *Cal. S. P. Dom. Car. I, 1633–1634*, p. 485.

on hand, but to certify to the wardens of the Stationers Company of any to whom they had sold books.[13]

While Prynne languished in the Tower and gossip about his fate spread as far even as Venice and Spain,[14] part of his sentence was carried out. The Council of Benchers of Lincoln's Inn on April 24 voted unanimously to expel him from the society.[15] Less than a week later the University of Oxford in convocation deprived him of his bachelor's degree, deeming it right "that this expulsion should take place before he suffered the loss of his ears." [16]

Because of the intercession of the queen, the remainder of Prynne's sentence was not carried out immediately. The importunity of the zealous Archbishop, however, succeeded, and on May 7, on a pillory in front of Westminster Hall, Prynne lost a piece of one ear, a punishment which a sympathizer declared he endured like "a harmless lamb." [17] From the judicious pen of Sir Simonds D'Ewes we learn that men were astonished that neither his academic nor his barrister's gown could free him from such shameful pillorying and mutilation; and that in prison Prynne showed "the rare effects of an upright heart and a good conscience by his serenity of spirit

[13] *Documents relating to William Prynne*, pp. 58–60.

[14] *Cal. S. P. Ven.*, XXIII, 196; *Cal. S. P. Dom. Car. I, 1633–1634*, p. 524; for further gossip see *Memoirs of the Verney Family* (London, 1898–1899), I, 223, 225.

[15] *Black Books of Lincoln's Inn*, II, 318.

[16] *Cal. S. P Dom. Car. I, 1633–1634*, p. 575.

[17] Nehemiah Wallington, *Historical Notices* (London, 1869), I, 66, 67.

and cheerful patience." [18] On May 10 he lost the upper part of his other ear in a pillory in Cheapside. As he stood in the pillory copies of the *Histriomastix* "were burnt under his nose, which had almost suffocated him." [19]

Prynne, according to his enemies, promised to give the hangman ten shillings if he would be gentle in the mutilation, but afterwards denied his promise.[20] It was probably because of this lenity that only the upper part of Prynne's ears was clipped, so that they seemed untouched. Some Puritans, indeed, thought that his ears miraculously grew again.[21] His enemies declared that they were sewn.[22] At any rate Prynne henceforth let his hair grow long, contrary to his Puritan principles.

Meanwhile his books for their preservation from the Archbishop's wrath had been conveyed to his tailor's house in Holborn. The canny prelate, however, through his spies learned of this ruse and received a warrant from the Court of High Commission that Edwards' (the tailor's) house be searched and that all books be taken by the pursuivants. Accordingly a cartload of Prynne's books was taken away, — illegally, Prynne claimed, — and later sold to pay his fine.[23] Goaded by the ignominy which he was enduring, Prynne lost the submissive spirit which he had

[18] Sir Simonds D'Ewes, *Autobiography* (London, 1845), II, 104, 105.
[19] Earl of Strafford, *Letters and Dispatches* (London, 1739), II, 271.
[20] *Speedie Hue and Crie* (London, 1647), p. 6.
[21] C. W. LeBas, *Life of Archbishop Laud* (London, 1836), p. 222.
[22] Earl of Strafford, *Letters and Dispatches*, I, 267.
[23] Prynne, *New Discovery of Prelates Tyranny*.

shown in his February petition to the Privy Council. On June 11 he wrote a wrathful and bitter letter to Archbishop Laud, whom he regarded as the instigator of his misery. Not content with showing the injustice and illegality of his punishment, he attacked Laud personally, scoffing at his lowly parentage and declaring him to be of an "exceeding fiery, insolent, virulent, implacable, malicious and revengeful spirit." With the prophecy that his despiteful ways would end in "misery, ruine, if not in helle itself," Prynne closed this vindictive apology.

At the king's command Laud sent this letter on June 16 to the Attorney-General. The following day Noy called Prynne to his chamber and confronted him with it. On being asked if it were his, Prynne replied that he could not tell unless he could see it; upon its being given to him he tore it in small pieces and threw them out of the window.[24] He was thereupon brought before the Star Chamber, where, Laud piously remarked, "all these [facts] appeared with shame enough" to him; but because the only evidence had been destroyed, the case was perforce dropped. Laud, in recounting the incident in his *Diary*, added, "I there forgave him," but Prynne later annotated the passage, "Because nothing was there proved."[25] The judges ordered that he be kept a close prisoner, deprived of pen and ink. Two days later it was rumored that a new bill was to be brought against him.[26]

[24] *Documents relating to William Prynne*, pp. 51 f.
[25] John Rushworth, *Historical Collections* (London, 1721), II, 245.
[26] Earl of Strafford, *Letters and Dispatches*, I, 267.

Clearly in Prynne's case stone walls did not make a prison, irksome as the enforced residence in the Tower must have been. He was allowed access to the records, so that at this time he formed that familiarity with and devotion to antiquities which characterized his later life. In conversation with his fellow prisoners, — even papists, — and with friends and relatives who came to see him, he passed many an hour with equal profit. Indeed, through one of these friends, Peter Ince of Chester, it is probable that his pamphlets were scattered through northwestern England, where there were few stationers to distribute them.[27] In company of a keeper he was allowed to go about London freely.

Though he published nothing in 1634 he undoubtedly worked busily, storing away ponderous historical facts for ammunition. In 1635 appeared his defiant reply to the bishops, *A Breviate of the Bishops Intolerable Usurpations and Encroachments upon the Kings Prerogative and Subjects Liberties*, a title not intended to placate his enemies. He also collaborated with John Bastwick, a physician and coiner of apt epithets, chief among which was his term for the bishops, "grolls," in writing *Flagellum Pontificalis*, to prove the parity of bishops and presbyters.

From the daring character of Prynne's writings in 1636, evidently he was enjoying freedom. He began the year by a "New Year's gift to prelates," a

[27] References to his years in the Tower are scattered through many of his works. For the visit of Peter Ince, which sorely troubled the prelates, see the letter of the Bishop of Chester, printed in *New Discovery of Prelates Tyranny*, pp. 220–224.

strangely inconsistent proceeding for one who in *Histriomastix* had denounced New Year's gifts as pagan. This pamphlet, *A Looking Glasse for All Lordly Prelates*, was issued anonymously, but the hand was clearly Prynne's. The bishops were compared to the devil, as "roaring lions, seeking whom they may devour." In three other tracts he denounced the dogma of apostolic succession and ritualism.[28] Imprisonment, far from subduing him, served only to sharpen his pen.

Though mewed in the Tower, he realized the threat to English liberties in the levying of Ship Money. This new method of direct taxation, by which all the shires were forced to contribute money for the royal fleet in place of the ancient custom of the seaports' and maritime counties' giving ships, would not only assert the king's supremacy in taxation, but consequently rid him of the need of calling Parliament. "While none else durst utter a syllable on that subject," in 1636 Prynne preceded the famous defiance of John Hampden by a year with *A Humble Remonstrance against the Tax of Ship Money*. This pamphlet, he later claimed, gave the first great blow to that oppression. In the beginning the manuscript circulated only among friends, but by some ill luck it came to the hands of the Lords of the Privy Council. Thereupon ensued a search for the dangerous pamphlet: "for feare it should utterly subvert the illegal

[28] They were: *Certain Queries Propounded to the Bowers of the Name of Jesus and to the Patrons Thereof; Certaine Queries Propounded to Bishops*; and *The Unbishoping of Timothy and Titus*, which was reprinted in 1660 and 1661.

Tax if once divulged . . . they used all their art and industry to suppresse it, questioning divers persons, searching sundry studies, imprisoning some, enforcing others to obscure themselves." Nevertheless, Prynne informs us, his pamphlet fell into good hands, and brought this imposition to a public debate before the judges of England in 1637 in John Hampden's case.[29]

Not only on legal grounds, but on economic grounds, Prynne denounced this tax as an unjust and unwise one. By engrossing money, "the Nerves of Trade," it caused the decay of commerce and increase in prices. Unequally divided, it forced the middle and poorer sort to pay more than the nobility; indeed many poor, he lamented, were forced to sell their pewter, bedding, and stock. For these reasons, as well as for more cogent ones, such as that from the Danegeld on, no such tax had been levied without Parliament's consent, Prynne scathingly denounced this tyrannous impost.[30]

In November of this year appeared his most abusive attack upon the prelacy. *Newes from Ipswich* was written primarily against Bishop Wren of Norwich, but it assailed all who had had a share in suppressing the Sunday afternoon lectures of the Puri-

[29] Preface to Reader in the 1643 edition. The first edition, that of 1641, was printed without his authority. Prynne thereupon in 1643 issued a new edition, partly to correct errors, and partly, perhaps, because by its publication it had become the legal property of its publisher and only by reissuing it with new material could Prynne make it his own.

[30] The tract is discussed in M. D. Gordon, "Collection of Ship Money in the Reign of Charles I." *Transactions of the Royal Historical Society*, Third Series, Vol. IV, 1910.

tans, who had prohibited sermons on fast days, or who had had a part in the recent changes of collects. The tract was published three times in 1636 under the name of Matthew White; though only ten pages long, it had concentrated within it a wealth of anti-prelatical feeling. Distribution of the pamphlet, as in the case of many others, was through Rice Boye, a silenced minister living in an alley in Coleman Street.[31] Two copies were sent to a stationer in Exeter, but were discovered by the bishop and sent to Laud;[32] others journeyed as far as Norwich and Ipswich.[33] Translated into the Dutch language, it was published in Holland; and zealous Puritans on the continent planned a French translation of it to make the bishops' cruelty known to all nations.[34] Authorship was not at first imputed to Prynne, but to Henry Burton, a clergyman of Brownist leanings.[35]

The prelatical party, already incensed by these gnatlike attacks, did not hesitate to respond to this challenge. Early in 1637 Laud's vigilance was rewarded by proof against the three leading Puritan writers of this period, Prynne, Bastwick, and Burton. Three pamphlets of Prynne, *Quench Cole*, *Unbishoping of Timothy and Titus*, and *Newes from Ipswich*, though not definitely ascribed to him in the bill; the

[31] Birch, *Court and Times of Charles I*, II, 273–274; Christopher Dow, *Innovations Unjustly Charged* (London, 1637).

[32] *Cal. S. P. Dom. Car. I, 1636–1637*, p. 487.

[33] *Ibid.*, p. 427.

[34] *Ibid.*, *1637–1638*, p. 365. Information of Matthew Symmons of things observed in the Low Countries.

[35] Sir John Bramston, *Autobiography* (Camden Society Publications, 1845), p. 69.

sermons of Burton, especially "For God and the King," preached in November, 1636, and published shortly thereafter; and the *Litany* of Bastwick, furnished ground for the prosecution. The information presented by Sir John Bankes, who had succeeded Noy as Attorney-General, accused them of "makinge, contrivinge, publishinge, divulginge," libellous books, "wicked thinges in themselves, and of dangerous consequence to your Ma[jes]tie[']s service, and the publique weale of the Kingdome." [36] The care with which the charges had been made is revealed in a document of Archbishop Laud's in which Burton's sermons had been analyzed and those portions showing Prynne's influence itemized.[37]

By March, 1637, Burton and Bastwick had joined Prynne in the Tower.[38] The insurgent spirit which had caused their committal made them refuse to comply with certain rules, chief of which was that within eight days from the entering of a bill of complaint the defendant must have brought in his answer.[39] The Attorney-General announced to the Privy Council the refusal of these recalcitrant Puritans to file the answer necessary to their defence unless they were free to consult their counsel. It was ordered, thereupon, that each be allowed "to goe abroad with his keeper" to confer with his counsel.

[36] Additional MSS. 11308. "An Information Exhibited by Sir John Banckes . . . into the High Courte of Star Chamber . . . undecimo Martiij, Ano. 12 Car. Regis. Anno Die 1636."

[37] *Cal. S. P. Dom. Car. I, 1637*, p. 48.

[38] *Documents relating to William Prynne*, p. 61.

[39] Cora Scofield, *The Court of Star Chamber* (Chicago, 1900), pp. 73 f.

Their answers must be filed within ten days; if they refused to comply they were to be prosecuted *pro confesso*.[40] For the bishops had determined to punish these Puritans severely, their implacability being shown by the fact that two men who brought a petition from Burton's parishioners for his freedom were committed to prison.[41]

Meanwhile, true to his reputation, Prynne defied his unjust accusers. The Privy Council on April 13 learned that in Prynne's chamber in the Tower were certain printed sheets, the dispersal of which "might tend much to the prejudice of the state." A warrant was issued to the Lieutenant of the Tower and to Edward Nichols to search his room.[42] Despite such precautions and the imprisonment of Prynne's two servants,[43] the writings of the prisoners escaped the vigilance of their keepers. Laud, writing to Strafford at this time, complained:

> Now Prynne, Burton, and Bastwick have increased their violence; and their raling in such sort as would weary patience itself. . . . And indeed, my Lord, if some speedy course be not taken and a round one, too, I shall have too much cause to think my life is aimed of.[44]

The alarm and the anger of the archprelate must have increased a hundredfold in May when a particularly defiant pamphlet by Prynne, *Brief In-*

[40] *Documents relating to William Prynne*, p. 61.
[41] Earl of Strafford, *Letters and Dispatches*, II, 57.
[42] *Cal. S. P. Dom. Car. I, 1637*, p. 505.
[43] John Burn, *Court of High Commission* (London, 1865), pp. 28–29.
[44] William Laud, *Works* (Oxford, 1860), VII, 341–342. The correspondence of the Archbishop and the Earl of Strafford reveals the fear of the Puritan strength as well as their determination to crush it.

structions for Church Wardens, appeared and the circumstances under which it had been printed were disclosed. Prynne, it was learned, still communicated with his servant, Nathaniel Wickens. Through him the manuscript was put in the hands of the printers. In March or April, 1637, Wickens came to the printing press, knocked at the door, and asked Gregory Dexter, one of the printers, who had been commissioned to print a thousand copies for thirty or forty shillings, to bring the proof to Wickens' father's house in Newgate Market, where Mr. Prynne would like to read it. On the day appointed Dexter took the proof to the home of Wickens, a cheesemonger. While Prynne in an inner room perused the proof, the senior Wickens entreated the keeper to go upstairs and not to stay in the open shop, so that the keeper did not see Dexter and knew nothing of Prynne's scheme to outwit the authorities. Nathaniel Wickens the next day returned the proof to Dexter. He likewise bore with him in a wooden box the initial letter of the book, a great *C*, curiously cut in boxwood. This was a new letter, not known of among the printers of London, but cut purposely for Prynne. When looked at in the usual way it seemed a complete and perfect *C*; but turned on one side, it appeared a pope's head, and on the other was carved an army of men and soldiers. The mysterious letter, in spite of the searching of the pursuivants, was not discovered. When the requisite number of copies had been printed, the initial letter disappeared and the original copy was burned.[45] The prelates' wrath was further

[45] *Cal. S. P. Dom. Car. I, 1637*, pp. 173–175.

fanned when the tract itself was read — with its legal advice to the wardens on how to avoid prelatical visitations.

With characteristic doggedness, Prynne continued his attacks on the prelates' encroachments on the royal power. He went so far as to file a cross-bill against the Archbishops of Canterbury and York, the Bishops of Oxford and Norwich, and others of the High Commission. In it he charged them with "usurping upon His Majesties prerogative royall with Innovations in Religion." Burton and Bastwick courageously added their signatures.[46] The document was then given to the king's attorney. When it was read in the Privy Council Laud protested that this bill, so very "scandallous and far exceeding all Things this Writer hath surreptitiously printed," was sufficient evidence for the prosecution of the three. It was even rumored that they might be tried before the Court of King's Bench on a far more serious charge than that pending.[47] The judges, however, decreed that because the bill had been presented in a legal way there were no grounds for prosecution.[48]

Such questioning of the legality of the ecclesiastical court, and also the advice to churchwardens to defy the bishops, given in *Brief Instructions for Church Wardens*, led the prelates to present three questions to the judges. The point at issue was whether a patent under the Great Seal was necessary for keeping of ecclesiastical courts and for the issuance of citations,

[46] Prynne, *New Discovery of Prelates Tyranny*, pp. 19–20.
[47] Earl of Strafford, *Letters and Dispatches*, II, 74.
[48] Prynne, *New Discovery of Prelates Tyranny*, pp. 19–20.

suspensions, and other censures of the church. This incident is significant in that it shows the trend of affairs: the spreading of the jurisdiction of the clergy and their courts at the expense of the king's prerogative. Not realizing the implications of the questions, the judges by their decision declared the freedom of the clergy from royal control.[49]

On June 13 the Star Chamber, weary of evasion, ordered that the case of the three Puritans be heard the next day. Throughout the trial was a note of finality, tempered by jeers at Prynne's earless condition. The issue to which Prynne had endeavored to turn the attention of the lay judges, the encroachments of the prelates upon the king's prerogative, was minimized; indeed, the power of the bishops was stoutly defended against Puritan attacks. Through the cunning of the prelates the Presbyterianism of the three was made the point at issue. Because of their delay in getting their answers before the court, the defendants already were regarded as guilty *pro confesso*. Well might Dr. Bastwick declare that in last August it had been decreed that he should lose his ears. Prynne's three final efforts to halt the proceedings failed. His plea that the cross-bill against the prelates be reconsidered was rejected; the suggestion that the bishops be "expunged from the court" was regarded as libellous; and, finally, his request that his answer to the information, tardy as it was, be received met with refusal.

The dogged Puritans, despite, or perhaps because

[49] Rymer, *Foedera*, xx, 716.

of, their harsh treatment, were fearless. Prynne stoutly insisted that, because none of the books mentioned in the information had been particularly ascribed to him, there was nothing appearing which should expose him to censure or require his answer. His sole offence lay in the presupposed contempt of court for not putting in his answer, a circumstance which could be fully and convincingly explained by the delinquency of his counsel. Further, he cited precedents which should, if applied to his case, free him; the Lord Keeper replied that the argument he put was good law, but ill applied. Prynne defiantly claimed the whole trial, in which no accusation had been brought, no proof or witnesses, no confession, to be injustice in the highest degree. The utter disregard of the Puritans of any but strictly legal or divine authority is seen in Burton's warning, "I pray God, that in your Sentence you may so censure us, that you may not sin against the Lord."

The sentence upon the prisoners, delivered by Lord Cottington, was indeed severe. Each was to lose his ears upon the pillory at Westminster, was fined £5000, and condemned to perpetual imprisonment in a remote spot of the kingdom, Prynne in Carnarvon, Bastwick in Cornwall, and Burton in Lancaster. The implacability of the court is shown by the greater severity of Prynne's sentence, for he was to be stigmatized in the cheeks with two letters, *S* and *L*, for Seditious Libeller, though in the information he had been mentioned only as a confederate, and in the trial the sole charge against him had been his delay in

answering. After the giving of the sentence, Archbishop Laud spoke at length. He concluded with thanks to the judges for their just and honorable censure of the Puritans, as well as their "unanimous dislike of them and defence of the church." [50]

This sentence was carried out more expeditiously than that from which Prynne had suffered in 1634. Perhaps the intensity of feeling in London helped to hasten the punishment, for interest in the trial had been widespread. In one church a fast had been held for the sake of the prisoners, with such a dignitary as Lord Saye among the great throng which listened to the six-hour sermon; [51] and the faithful, Bastwick later said, set apart many days for prayer for these victims of Gog and Magog.[52] Laud feared the strength of the Puritan party, especially the influence of John Williams, the contentious Bishop of Lincoln, a Low Churchman who had been imprisoned recently in the Tower through the plottings of the Arminians. Bishop Williams, Laud hinted to the Earl of Strafford, "hath more hands than beseems him in this business, as if he meant to fire all because [he] himself is in danger." [53]

On June 30 Prynne made his third appearance in the pillory. The pious Nehemiah Wallington was moved to glowing speech when he told of the pillory-

[50] Accounts of the trial are given in *State Trials*, III, 716 f., and in Prynne's *New Discovery of Prelates Tyranny*. There are frequent references in contemporary writings as Bramston's *Autobiography*, Whitelocke's *Memorials*.

[51] *Cal. S. P. Dom. Car. I, 1637–1638*, p. 209.

[52] Prynne, *New Discovery of Prelates Tyranny*, p. 35.

[53] Laud, *Works*, VII, 471.

ing of "those three renowned soldiers and servants of Jesus Christ." Two pillories had been erected; at the double one Prynne and Bastwick were placed, while Burton, who had been unfrocked some days before, was in a single one some distance away. "Their way strawed with sweet herbs," they courageously approached their stations of torture. In the two hours in which they sat under the hot sun, they talked cheerfully to each other and to the great throng of sympathizers. Burton's words were especially religious in tone; with many pious embellishments he compared the weapon of the halberdier to that borne by Judas at the betrayal of Jesus Christ. The consolation of religion and, even more, implicit confidence in his own godliness and the wickedness of his adversaries were fortunately his, for it took no small courage to endure the cruel cutting of his ears.[54]

When Prynne's turn came, he made a dramatic speech in their defence. The Archbishop, who sat near by in the Star Chamber in Westminster Hall, when he heard of the scene, urged the lords that Prynne be gagged and further censured. The Lord Speaker, however, belittled the effects of a speech made upon the pillory. Though Prynne escaped another censure, he suffered intensely. The hangman in branding his cheeks having "burnte one cheeke with a letter the wrong waye, hee burnt that

[54] The accounts in Wallington, *Historical Notices*, I, 90, and in Prynne, *New Discovery of Prelates Tyranny*, pp. 33 f., are the most complete. See also: *Cal. S. P. Dom. Car. I, 1637–1638*, p. 90; Thomas Fuller, *Church History* (London, 1845), VI, 120; *State Trials*, III, 759 f.; D'Ewes, *Autobiography*, I, 181.

againe." [55] His ears too were cruelly mangled. Despite his pain, he uttered "this heavenly sentence: 'The more I am beat down the more am I lift up.'" When he came down from the pillory, he declared:

> Now (blessed be God) I have conquered and triumphed over the prelates ['] malice; and feel my selfe so strong, that I could encounter them all together at this very present.

London buzzed with the news that he had been found dead on the pillory with his hands lifted to heaven.[56] Far from having died, Prynne so far recovered his equanimity as to compose punning verse on his trip back to the Tower:

> Triumphant I returne, my face discryes
> Laud's scorching Scarrs,
> God's gratefull sacrifice.
> S. L. Stigmata Laudis,
> Stigmata maxillis referens insignia Laudis
> Exultans remeo victima, Grata Deo.[57]

The hope that the appearance of these Puritans upon the shameful pillory might discredit them among their followers proved indeed vain. Rather, Prynne and his fellow sufferers were regarded as martyrs. The multitude encouraged them with cheers and prayers,[58] and in their enthusiasm even collected the blood of the victims.[59] Shortly after-

[55] *Documents relating to William Prynne*, p. 87.

[56] *Ibid.*, p. 88.

[57] Prynne, *New Discovery of Prelates Tyranny*, p. 65. The previous quotation is also from this book.

[58] *Ibid.*, pp. 55–59.

[59] Letter from Kenelm Digby to Viscount Conway, July 27, 1637, *Cal. S. P. Dom. Car. I, 1637–1638*, p. 311; *Cal. S. P. Ven.*, XXIV, 242.

ward, upon the statement of a Shoreditch minister that "they incurred damnation who thought well of these three," many left the church.[60]

On July 13 the Privy Council ordered the Star Chamber to draw up an order for the removal of Prynne, Bastwick, and Burton to their distant prisons.[61] As the three Puritans began their journey they were attended by throngs of sympathizers.[62] Indeed, the demonstrations which attended Prynne might well have been accorded to a conquering hero, and exhibited but too plainly the temper of the country. At Coventry and Chester so warm was his welcome that the prelatical party in alarm punished both cities severely. A writ was brought against Coventry to nullify its charter, a disgrace which was prevented only by a fine of £100 from each alderman. Chester, which had been more enthusiastic in its greeting, felt greater displeasure. The friends of Prynne were tried before the Court of High Commission at York, were heavily fined, and were forced to condemn Prynne in the Cathedral and Common Hall in Chester; a thousand pictures of Prynne were collected and burned at the Cross.[63] For saying that these saints, though cropped and persecuted, would

[60] *Cal. S. P. Dom. Car. I, 1637–1638*, p. 311.

[61] *Documents relating to William Prynne*, p. 91.

[62] Laud, *Works*, II, 501 f.; *Cal. S. P. Dom. Car. I, 1637–1638*, p. 352.

[63] Prynne, in *New Discovery of Prelates Tyranny*, rehearsed the tale of the journey and of the persecutions. The account is corroborated and details added in: Laud, *Works*, II, 501 f.; *Cal. S. P. Dom. Car. I, 1637–1638*, p. 352; Earl of Strafford, *Letters and Dispatches*, II, 115; D'Ewes, *Journal*, pp. 315 f.; *Several Humble Petitions of Mr. Burton, Dr. Bastwick, and Mr. Prynne* (London, 1640), pp. 30–34.

be faithful, and for exhorting his parishioners to contribute to their support, the vicar of Patishall, Northamptonshire, was fined £200 in the Court of High Commission.[64]

Though the ringleaders of the Puritans were gone, sedition still lurked in London. Laud was the victim of libels. "My lord mayor," he wrote to Strafford, "sent me a board hung upon the standard in Cheap-[side] . . . a narrow board, with my speech in Star Chamber nailed at one end of it, and singed with fire, the corners cut off instead of ears, a pillory of ink with my name to look through it." Two sentences further embellished it: "The man that put the saints of God into a pillory stands here in a pillory of ink"; and "The author deserves to be used thus as well as the book." [65] Four other libels, referring to the "Arch Wolf" of Canterbury and to his intimate association with the devil, which appeared during August, showed the ugly temper of the Puritans.[66]

Incidentally, however, it must be noted that not all libels were made by Prynne's friends. A certain papist, Mrs. Hauton of Lancashire, merrily cut off the ears of her three cats and seared one of them in the "cheekes," calling them Bastwick, Burton, and Prynne. One Mr. Fogge informed the bishop of that see of it, that he might check the audacity of this recusant. The prelate, however, — to such depths had these anti-Puritans fallen, — retaliated by calling a crop-eared horse Prynne. Prynne's comment on the affair is typical:

[64] *Cal. S. P. Dom. Car. I, 1640–1641*, p. 282.
[65] Laud, *Works*, VII, 371. [66] Laud, *Diary*, pp. 222–224.

I fear this Horse had more charitie then his Lord and Master the Bishop, and that if he be yet alive [in 1640] his very name if he want a voyce, will be sufficient to rebuke the malice and madness of this Baalam, covetous and false Prophet, who durst, by way of scorne, christen an irrational Beast, with the name of a better Christian then himself.[67]

Upon Prynne's arrival in Carnarvon on August 5, the castle was found to be "a nasty dogg-hole," unfit for human habitation, so that he was lodged in the jailor's house. "Such a haunt" there was to him that the authorities became alarmed.[68] For, indeed, the distance of the Puritans from London did not keep them from libelling and plotting.[69] In spite of close watch, they communicated with each other;[70] there was a rumor that Prynne had sent a seditious book in cipher to Bishop Williams.[71] There was even the charge that they were communicating with the Covenanters in Scotland, who at this time were wrathfully rising at the attempts of Charles I and Archbishop Laud to force the use of the Anglican service book upon them.[72] Undoubtedly because of these facts, though Prynne declared it was only because of the inconvenience of his prison, it was ordered that he be transferred to the Isle of Jersey, this time to be securely guarded and denied visi-

[67] Prynne, *New Discovery of Prelates Tyranny*, p. 108.

[68] Anthony à Wood, *Athenae Oxoniensis* (London, 1813), III, 848.

[69] Earl of Clarendon, *History of the Rebellion and Civil Wars in England* (Oxford, 1837), I, 267.

[70] Heylin, *Cyprianus Anglicus*, p. 315.

[71] Hist. MSS. Comm., *4th Report*, MSS. of Earl De la Ware, p. 293.

[72] *Cal. S. P. Dom. Car. I, 1637–1638*, p. 595.

tors.[73] The journey, which took fourteen weeks, had most unpleasant circumstances, Prynne later mourned, chief of which were terrible storms and the company of papists.

Mount Orgueil Castle was selected by the governor of the island as Prynne's prison. His three years' stay here was made pleasant by association with Sir Philip de Carteret, lieutenant governor, his wife, and his daughters. In divine meditations, induced by contemplating "these three leaves from Nature's volume," the sea, rocks, and vegetation of the island, Prynne was inspired to write poetry. *Mount Orgueil*, his best-known poem, was dedicated to Lady Anne Carteret and her daughters, Elizabeth and Margaret, to the latter of whom Prynne referred as "Sweet Mistress Douce, prime flower of the House of Carteret." The beginning lines were:

> Mount Orgueil Castle is a lofty pile,
> Within the eastern part of Jersey isle,
> Seated upon a rocke, full large and high,
> Close by the sea shore next to Normandie.

Crabbed and gnarled as the verse is, it represents an indomitable spirit. Moral improvement was the aim of his versification: *The Soules Complaint against the Bodies Encroachment on Her* is typical of the stern and unlovely verse composed during his imprisonment.[74] Its resemblance to *The Debate of the Body and*

[73] Prynne, *New Discovery of Prelates Tyranny*, pp. 86 f.

[74] Other poems were: *Comfortable Cordials against Discomfortable Trialls of Imprisonment; Pleasant Purge for a Roman Catholike to Evacuate His Evil Humors*; and *A Century of Polemical Epigrams* — all printed in 1641.

Soul of the fourteenth century proves the mediaevalism of certain phases of Puritanism, notably the ascetic element. Pious effusions, Latin verse, and a certain monastic mortification of the flesh are blended in the lines, but rhyme is the only poetic element.

In meditation and writing Prynne was biding his time, as were his fellow Puritans in England. These quiet years were to end, and England was to be hurled into the maelstrom of civil war. As yet, Archbishop Laud and Charles I, not realizing the tremendous hostility their policy created, dreamed of a country subdued and conforming — an England where surplice and altar received due reverence and where king reigned with absolute power.

III. THE SOVEREIGNTY OF PARLIAMENT

(1640–1644)

That two-handed engine at the door,
Stands ready to smite once and smite no more.

WITH the convening of the Long Parliament in November, 1640, began an important period in Prynne's life. Hitherto, though he had regarded himself as defender of, and his antagonists as violators of, precedent and tradition in the state, he had opposed the existing government; now, with the gradual accumulation of power in the hands of Parliament, he became a staunch vindicator of the rights of the state as embodied in the house of commons and the house of lords, with the king as an essential, though absent, figure. In the events of the years 1640 to 1644 Prynne took a significant part. As a writer, as a protector of English liberties against the king's party and later against the crescent army, as a prosecutor of the state's enemies, and as a public servant, he constantly upheld the idea of constitutional monarchy. Always he deprecated the military phase of the civil war and attempted to focus popular attention upon the constitutional principles involved in this struggle between king and Parliament.

The Long Parliament, called reluctantly by Charles I because it alone could give him the money he needed, met in a grim mood. Since 1628, except for a short session early in 1640, there had been no meeting of the lords and commons. Now, with twelve years' accumulation of grievance at political and ecclesiastical tyranny, the Puritan party prevailed. It is significant more of the temper of the members than of the importance of Prynne, Bastwick, and Burton that four days after its convening the house of commons resolved that they be sent for immediately by warrant of the house and allowed to come to plead their cause.[1] On November 7, the same day, Prynne petitioned the king that he be released from prison.[2]

Prynne therefore left his grim prison on November 19, met Burton at Guernsey two days later,[3] and sailed with him for England. At Southampton, where they landed, they were entertained with unusual enthusiasm and showered with gifts. Triumphantly they passed through cheering villages. At Staines friends from London met them; at Brentford an even greater demonstration awaited them, and some two thousand horsemen and over a hundred coaches, with an infinite number of men on foot (some of whom had come a day's journey to honor the returning Puritans), contrived to make the road so crowded that they were forced to make frequent stops and could not go over a mile an hour. By the

[1] *Journals of the House of Commons* (London, 1803), II, 24. (Hereafter referred to as *C. J.*)

[2] D'Ewes, *Journal*, pp. 18–19.

[3] Prynne, *New Discovery of Prelates Tyranny*, p. 113.

time they reached Charing Cross, where torches flared brilliantly to welcome them, the procession had swelled to gigantic proportions.[4] Clarendon declared that over ten thousand persons, with rosemary and bay in their hats and hands, accompanied them with cheers. Here and there admirers stopped them to shake them by the hand. This glorious entry, "almost as if they had been let down from heaven," the hostile Hobbes declared,[5] was appropriately followed by a great dinner costing £100.[6] Not Prynne and Burton only, but the spirit of militant Puritanism, now returned to London in triumph.

The significance of the return of these Puritans was not lost on the court party. Their entrance on November 23 may have occasioned public thanks in many churches, but it vexed the bishops. Indeed, increased peril to the harassed Archbishop was foreseen in their freedom, as well as "grave scandal to right minded men."[7] Even the legal-minded Whitelocke regarded it as a defiance of justice,[8] while Hobbes declared that Parliament had freed Prynne and Burton "to try how the people would be pleased therewith, and by consequence how their Endeavours to draw the People's affections from the King had

[4] Earl of Clarendon, *History of the Rebellion*, I, 312; Robert Baillie, *Letters and Journals* (Edinburgh, 1841–1843), I, 277; Henry Townshend, *Diary* (Worcester Hist. Soc., 1915), I, 10; John Nalson, *An Impartial Collection* (London, 1682), I, 510; Letter of Edmund San, Hist. MSS. Comm., *12th Report*, Part II, MSS. of Duke of Rutland, p. 18.

[5] Thomas Hobbes, *Behemoth* (Maseres Collection of Tracts, London, 1815), p. 517.

[6] Townshend, *Diary*, I, 10.

[7] *Ibid.*; Nalson, *An Impartial Collection*, I, 50.

[8] Whitelocke, *Memorials*, I, 113.

already prospered." [9] That such premonitions were not baseless was proven when, shortly thereafter, Prynne conferred with the contentious Bishop of Lincoln. The meeting of two such controversialists and enemies of Laud could promise no good to church or state, the alarmed Heylin predicted.[10]

The cases of Prynne and Burton, and of Bastwick, who had returned to London shortly after the other two, were referred to a committee for investigation.[11] By a remarkable coincidence this committee met in the Star Chamber. Heylin was soon enmeshed in the evil consequences of the return: the house of commons, eager to clear Prynne of guilt, especially in the trial of 1634, ordered the clergyman to produce the accusations he had made against Prynne's books.[12] The grievances of the Chester men, who it will be recalled had suffered for their generosity to Prynne in 1637, were also to be redressed by this committee.

These efforts to make restitution to the illtreated Puritans were symbolic of the London of 1640. The murmurs of 1637 had swelled into a tremendous shout of condemnation of state and church. Archbishop Laud and the Court of High Commission first had felt the force of this vengeful spirit. Unruly apprentices and riotous mechanics threatened the safety of the prelate; indeed, a mob of some five hundred were prevented from sacking his Lambeth palace only

[9] Hobbes, *Behemoth*, p. 517.

[10] Heylin, *Cyprianus Anglicus*, p. 436.

[11] *C. J.*, II, p. 44; D'Ewes, *Journal*, *passim*; D'Ewes, *Autobiography*, I, 51.

[12] Townshend, *Diary*, I, 18.

through his chancing to learn of their plans in advance and setting a guard.[13] On October 22 the mob had stormed the Court of High Commission as it was about to sentence a Puritan. Even St. Paul's Cathedral was not sacred to the angry Londoners, who destroyed papers therein in the belief that they were the records of the ecclesiastical court. The flood of libels swelled.[14]

While public opinion in London expressed itself with cudgels and staves and libels, at Westminster the atmosphere, if more restrained, no less typified the beginning of a new era, in which king and prelate alike must recognize the supremacy of Parliament. As has been seen in the speedy summoning of Prynne and his fellow sufferers, the tone of the house of commons was distinctly hostile to the old régime. A host of injustices cried for redress. The first measure was one of safety: Strafford, the trusted adviser of the king and enemy of Parliament, was impeached. Because of the lack of leadership, for as yet opposition to the king had not crystallized into partisanship and was therefore vague and unorganized, the commons attacked now one, now another grievance. The exactions of the monopolists; the growth of ritualism; the question of payment of the army; the prosecution of the king's other advisers, notably Laud and Finch; such illegal exactions as Ship Money, engaged the attention of Parliament. Meanwhile Charles I and Henrietta Maria searched for a means to circumvent

[13] Whitelocke, *Memorials*, II, 99.
[14] *Cal. S. P. Dom. Car. I, 1640–1641*, pp. 18, 126–127, *et passim.*

their enemies. And the parliamentarians, not without reason, feared lest the king by a bold stroke should reinstate himself in power.

In the meantime petitions against episcopacy poured into the houses. It thus came about that after the passing of the Triennial Bill, which was adopted in place of Oliver Cromwell's bill for annual parliaments, and which would cause Parliament

> long to reign;
> From three years end, to three years end,
> And so to three again,

the house of commons took up the question of the ceremonies and discipline of the church. These debates, in which the Book of Common Prayer and episcopacy were bitterly attacked by some members and as loyally defended by others, according to Gardiner saw the rise of political parties.[15] The Courts of Star Chamber and of High Commission must be abolished: on this all agreed. The members found it a simple matter to pass bills depriving the bishops of the right to hold temporal offices. The real problem of church government could not at once be settled.

With such problems confronting the house, it is not to be wondered at that Prynne's case was not settled until April 20, 1641. The commons then resolved that the sentences of 1634 and of 1637 be declared illegal, that he be restored to Oxford and to the Society of Lincoln's Inn, that reparation be made to him by the

[15] S. R. Gardiner, *History of England from Accession of James I to the Outbreak of the Civil War* (London, 1884), IX, 281.

persons involved, and, more significant from the legal point of view, that the warrant of transfer to Jersey be declared contrary to law. His fine of £5000 was discharged.[16]

As would be expected from one with his interest in theology, Prynne eagerly joined in the hue and cry against the bishops. The Root and Branch Bill, to abolish episcopacy, though it passed the house of commons by a vote of 135 to 108,[17] was thrown out by the lords. At such a time Prynne could not remain silent. On July 5, 1641, *The Antipathie of the English Lordly Prelacie Both to Regall Monarchy and Civil Unity*, printed by Michael Sparke, set forth his views. A fuller title of this work, which was dedicated to Parliament, was "Historical Collection of severall execrable Treasons, Conspiracies, Rebellions, Seditions, State-Schismes, Contumacies, Anti-Monarchicall Practices and Oppressions of Our English, British, French, Scotch, and Irish Lordly Prelacies against our Kings." In the preface he related that the material had been collected with "no facile labour" while he was in the Tower, and had escaped confiscation by Laud only through its being carried across the sea by another persecuted man. He now was inspired to set forth his discoveries of these treasonous deeds because of the legal principle that there are accessories in treason; hence in these "proditorious" times he must not conceal, but rather must in honor divulge, these "long-obscured conspiracies." The errors of former archbishops of Canterbury and York, as well

[16] *C. J.*, II, 123–124. [17] *Ibid.*, p. 192.

as of bishops, "Divells incarnate, masked under a Prelate[']s white rochet," were rehearsed in detail. Robert, a bishop under Edward the Confessor, for instance, was blamed for the Norman Conquest because, according to Prynne, he had persuaded the king to make the Duke of Normandy his heir. Prynne ascribed to Archbishop Bancroft, rather than to James I, the famous statement, "No bishop, no king," which he epigrammatically changed to "No king unless no bishop."

The appearance of this pamphlet and of another, *New Discovery of Prelates Tyranny*, a scathing revelation of the bishops' persecution of Prynne and his fellows in 1637, attracted the attention of the church dignitaries, if Prynne's own account, published many years later, may be trusted. The preface of his *Signal Loyalty and Devotion of God's True Saints*, which appeared in 1660, relates that some of the prelates characteristically "scandalized and traduced" him to the king "out of meer malice." Material for prosecution was found especially in the Epistle to the High Court of Parliament prefixed to the first pamphlet. His enemies, however, failed in their purpose, for Charles I upon reading the pamphlet rejected their accusation as "a false and groundless calumny."

Other tracts which have not been acknowledged or preserved were published by Prynne or were attributed falsely to him. "The faction of the Brownists and these three saints," Prynne, Burton, and Bastwick, "with their adherents filled the press almost daily with their ballads and libells." Their writings

were sold in the streets of London, and even brought to Westminster and given to the members of Parliament, but no step was taken by either house to suppress the printing of these virulent attacks upon the bishops. Scurrilous pictures of the Archbishop were also circulated.[18] Undoubtedly some of the tracts which popular opinion ascribed to Prynne belonged in the same category as *A Terrible Outcry against the Loytering Exalted Prelates*, which was actually written by Henry Walker, an ironmonger. *Diurnal Occurrences*, December 20/25, 1641, reported that this famous "tub lecturer" had been committed to prison for writing this book in the name of Prynne.

During 1641, aside from his pamphleteering, Prynne was inactive. Cut off from his books during his imprisonment and exile, he undoubtedly welcomed the opportunity to sit in his chamber in Garden Court, Garden Row, at Lincoln's Inn, and pore over ecclesiastical and legal volumes. His manner of study has been described by John Aubrey. He usually wore "a long quilt cap, which came, two or three, least inches over his eies, which served him as an umbrella to defend his eies from the light." About every three hours his servant would bring him "a roll and a pott of ale to refocillate his spirits." In this manner "he studied and dranke and munched some bread; and this maintained him till night; and then he made a good supper." [19] The records of Lincoln's Inn show that his reinstatement in that society had opened to

[18] Wood, *Athenae Oxoniensis*, II, 59.
[19] John Aubrey, *Brief Lives* (Oxford, 1898), II, 174.

him many duties on committees.[20] He had, also, inherited the lease in the manor and farm in Swainswick, which his father had rented from Oriel College, so that henceforth he spent a part of his time in Somersetshire.[21]

As the struggle between king and Parliament increased in intensity and became civil war, Prynne busied his agile pen to write defences of Parliament. The refusal of Sir John Hotham in 1642 to allow the king to enter Hull, valued for its arsenal, had shown definitively the intention of the parliamentary party to defend its rights by force. And its own declaration in June that its actions had the stamp of authority began the struggle for control of England. The anomalous position of Parliament fighting against the king "for the safety of his majesty's person, of kingdom and Parliament," might be ridiculed in ballad:

> 'Tis to preserve His Majesty
> That we against him fight,

but the principles involved in this distinction between "king" and "king and Parliament" were clearly defined in the minds of the parliamentarians.

No pamphleteer of this period seems to have grasped so surely this conception of the relation between the contestants as Prynne did. In a tract published on August 18 he defended the rights of Parliament and of the king. *A Soveraigne Antidote to Prevent, Appease And Determine Our Unnaturall and Destructive Civill Warres and Dissentions* was

[20] *Black Books of Lincoln's Inn*, II, 362–363.
[21] Peach, *Annals of Swainswick*, p. 72.

primarily in extenuation of the conduct of Sir John Hotham. Royal power, Prynne claimed, was limited within the bounds of the country's welfare, for kingship was not of divine origin, but rather had developed through centuries. The king's prerogative was defined distinctly by Prynne in this and other pamphlets [22] during this year, for he declared that not monarch and judges, but Parliament and the king in Parliament, had the right to determine treason. In the claims of Parliament here propounded is a prophecy of the struggle between the American colonists and Parliament in the eighteenth century.

In 1643 Prynne took an important part in attacks upon two enemies of Parliament, Colonel Nathaniel Fiennes, who was accused of a cowardly betrayal of Bristol to royalist forces, and William Laud. The prelate had been imprisoned in the Tower since 1641, but the pressure of business in the house of commons and the opening of the civil war had tended to thrust his trial out of men's minds. The alliance of Parliament with the Scots, sealed by the Solemn League and Covenant, inspired Parliament to punish this indomitable enemy of Puritanism and Presbyterianism.

So, in May, 1643, a committee of lords and commons, appointed for the safety of the kingdom, or-

[22] *Vindication of Psalme 105:15*, which appeared also in 1642, limited royal power in that the verse of Scripture, "Touch not mine anoynted and doe my Prophets noe harme," was declared by Prynne to refer to subjects, not to the king. *Vox Populi: Or, the People's Humble Discovery of Their Own Loyalty and His Majesties Ungrounded Jealousy*, though not included in Prynne's catalogue of 1660, has a strong resemblance to his other writings. The people's anger; the pamphleteer explained, was directed not against the king, but against his evil councillors.

dered that Prynne search Laud's quarters in the Tower. All letters and papers were to be seized and kept in a safe place. The Archbishop declared that Prynne was chosen because "his malice might be trusted," but Prynne's Puritan friends saw in it only the marvellous work of an inscrutable Providence.[23] Upon his arrival at the Tower, with a company of ten foot soldiers, he rushed to Laud's chamber with three musketeers with cocked muskets.[24] After showing his warrant at the request of the Archbishop, he searched the room, even Laud's pockets, with exceptional care. He took twenty-two packets of papers, two letters from Charles I, Laud's diary, and his book of private devotions. All papers which might incriminate Laud, we are told, had already been given into the care of the Bishop of Rochester, who had spent three hours selecting the most significant.[25] Upon Prynne's departure Laud bestowed upon his persecutor a fair pair of gloves, we are informed by Vicars; but, if we believe the Archbishop, Prynne was examining the gloves with such minute care that he told him that he might well take them and fear no bribe, for he had already done sufficient mischief. Prynne then "took his leave of him for that time."

Prynne thereupon busied himself to prove the guilt

[23] *Cal. S. P. Dom. Car. I, 1641–1643*, p. 463. The Puritan point of view is given in John Vicars, *Parliamentary Chronicle* (London, 1646), pp. 345 f.; Laud's side of the story is found in his *Diary*, p. 305; his *Autobiography*, pp. 306 f.; and *Brief Relation of the Death and Sufferings of the Archbishop of Canterbury* (Oxford, 1645), pp. 7–8.

[24] The preceding accounts are supplemented by Henry Wharton, *History of the Troubles of Archbishop Laud* (London, 1695), pp. 306–308.

[25] Gilbert Burnet, *History of My Own Times* (Oxford, 1897), I, 52.

of his old enemy. The Archbishop was warned by a friend in August, 1643, that though the hostility of Parliament was great, as yet it had no evidence against him. Soon afterward, however, the rumor went around that Prynne had brought "great matters to light," which would enable the commons to bring him to trial.[26] Prynne's first use of the material he had found was in the composition of *Rome's Master-Peece: Or, The Grand Conspiracy of the Pope and His Jesuited Instruments to Extirpate the Protestant Religion*, the very title of which was sufficient to inflame popular opinion. The house of commons on August 1 put its stamp of approval on Prynne's clever handling of the material by ordering that it be printed. Indeed, this brilliant pamphleteer had shown his skill: a second gunpowder plot was revealed to the public, already hostile to the court and fearful of popish influence: a plan had been revealed to William Boswell, agent of the king at The Hague, by Habernfeld, who in turn had been informed by an agent of Cardinal Barbarino, for the assassination of the king by an "Indian poysoned nut" or knife.[27] To incriminate Archbishop Laud, Prynne proved that he had tampered with affairs of state in that he had "vitiated and altered the king's oath at the coronation" of Charles I.

Further revelations of popish and prelatical plots against the safety of king and kingdom were made in

[26] Laud, *Autobiography*, p. 314.

[27] For the influence of this Habernfeld plot upon Titus Oates' tale see W. C. Abbott, "Origin of Titus Oates' Story," *English Historical Review*, xxv, 126 f.

a pamphlet, *The Treachery and Disloyalty of Papists to Their Soveraignes in Doctrine and Practice.* At the importunity of his friends, Prynne enlarged this tract and published it, at the order of the house of commons, as *The Sovereigne Power of Parliaments and Kingdomes.* In this we find the political theory of a moderate, one who believed neither in absolutism nor in republicanism, the declaration of monarchy as "the best of governments, whiles it keeps within the bounds which Law and Conscience have prescribed." Neither Parliament alone nor king alone should rule. Rather, there should be such balance in the organs of government as would

> carry such an equall hand betweene them, as shall doe right to both, injury to neither; and preserve and support their just, Legall, Soveraignties, Jurisdictions, Rights, within their proper limits, without tyrannical invasions, or seditious encroachments, upon one another, to their mutuall or the Republikes prejudice.

Moderate as Prynne's views were, the expression of them led him to use abusive terms. The king's party he termed "covetous earth-worms," "popish and malignant vipers," yet he did not hesitate to praise the sacrifices of the Cavaliers for their king or to reproach members of his own party for their slowness in giving money and soldiers to the hastening of peace.

Another defence of Parliament appeared in 1643, Prynne's pamphlet, *The Opening of the Great Seal of England.* This was published, by the order of the house of commons, to reply to the "over-rash censures" of those who had criticized Parliament for

ordering a new Great Seal. The original seal had been taken by its keeper, Lord Littleton, to Oxford, where the king kept court during these days of civil war. Parliament had thereupon been confronted by the problem of whether to make a new Great Seal or to get along without one, and had decided upon the former course. Prynne declared the omnipotence of Parliament in his statement: "The Seal is *clavis regni* and ought to be resident in Parliament."

Prynne's loyal defence was rewarded by his appointment as chairman of the committee for taking accounts of the kingdom. This post involved a tremendous amount of responsibility. All accounts for the payment of the officers' and soldiers' salaries, expenses of garrisons, as well as non-military expenses, were under the supervision of this committee. As chairman Prynne travelled through England to consult with the committees of the counties.[28] He was thus in a position to scrutinize keenly the military situation, and saw with dismay the weakness of the army. Especially was the surrender of Bristol to the king's forces a source of perturbation to him. The cowardice of Colonel Nathaniel Fiennes in giving up this the largest city in the west to Prince Rupert seemed the more heinous because of the brave resistance Gloucester had made against the royalists. Upon the return of Fiennes to London, Prynne and Clement Walker, a lawyer and member of the house of commons, filed charges against him in the house of

[28] *Cal. of Committee for Advance of Money* (London, 1888), *Cal. S. P. Dom. Car. I, 1645–1647*, p. 171.

commons on the ground that he had been guilty of treachery to Parliament.

The motives of these two men in thus attacking Fiennes were much discussed. Clarendon alleged that Walker was eager for Fiennes' prosecution because he had lost a fortune in the surrender of Bristol, and that Prynne had first "let himself into the disquisition out of the activity and recklessness of his nature, and was afterwards sharpened by contempt." [29] Others regarded Prynne as having been incited by a "malignant and Jesuitical spirit." The author of *A Check to the Checker of Britannicus*, Marchamont Needham, asserted that "the prosecutors[']owne interest and engagements and reputation" furnished the "chief motive for their prosecution," and hinted that Prynne had been bribed by the royalists to write against this doughty soldier. The real significance, however, clearly lies in the fact that even then a jealousy was rising between the army and Parliament, or, to be more exact, between the moderate, or Presbyterian, party and the Independents, who were more radical in their political and religious theories. Colonel Fiennes, as son of the eminent Independent, Lord Saye, was a person of not a little consequence. The daring of his accusers takes on, then, additional significance. Here may be seen the faint beginning of the split in the Puritan party which was to end in Pride's Purge and the triumph of the army.

Prynne and Walker, as has been said, first filed charges against Fiennes in the house of commons, but

[29] Earl of Clarendon, *History of the Rebellion*, III, 254.

the colonel, fearing that he had little influence there, wished to be tried before the Council of War. He then proceeded to use his influence and that of his father to discredit his accusers. On October 3, 1643, through Fiennes' plotting, Prynne charged, Walker was fined and imprisoned in the Tower by the house of lords for his attacks upon Lord Saye. Temporarily baffled, Prynne resorted to his pen. *The Doome of Cowardisze and Treachery: Or, A Lookinge Glasse for Cowardly or Corrupt Governours and Souldiers* appeared on November 3. In this pamphlet he cited precedents from the Old Testament, the laws of England, parliamentary rolls, and chronicles to prove Fiennes' guilt, and also to inspire the soldiers to greater daring.

Within two weeks after the appearance of this tract Walker was freed from prison. He and Prynne then appeared before the house to continue the prosecution.[30] A copy of their articles of accusation, consisting of ten charges, was sent to Lord General Essex. The trial before the Council of War — for Fiennes had succeeded in gaining his point — began at St. Albans on December 14, 1643. A preliminary skirmish as to whether the trial should be public or secret was won by Fiennes, who "sycophantically" declared that his prosecutors suspected the integrity of the court; Prynne and Walker, unwilling to run the risk of having the trial abandoned, consented much against their will to a secret trial. Intense acrimony characterized the proceedings. In the course of the

[30] *C. J.*, III, 311 f.

arguments the real source of antagonism appeared, the rivalry among commanders. Fiennes charged that Sir William Waller was responsible for the prosecution as well as for the loss of Bristol, but that he being "the great Diana of the people and so necessary a man to Parliament," Fiennes was sacrificed to humor him and his party. Prynne denounced such insinuations against Waller as false, scandalous, and seditious. Fiennes in his peroration again insisted that his trial was but the result of spite, and bitterly inquired if lawyers, "fee'd by their own malice," could "sift and turn up all his actions and snarl at his words"; and if after all his public services he were to be "cast behind the door like a dishclout, unfit for any further employment." Prynne's intention to secure the extreme penalty is shown by his declaration that Fiennes had forfeited his head to the Parliament and kingdom, to secure it from the king. Despite the colonel's impassioned pleading and influence, he was found guilty of treachery and sentenced to be executed.[31] By the prerogative of the general he was pardoned. Yet, Clarendon commented, the disgrace could not be shaken off, so that he went to the continent for some time. The trial, according to this historian, had a result which Prynne would not have wished: "Many looked upon this example as a foundation of great awe and reverence in the army." [32]

Prynne indeed suffered as much from the trial, if not more: by a plot of Fiennes his name was erased for

[31] Prynne left an account of the trial in *True and Full Relation of the Prosecution of Colonel Nathaniel Fiennes*, repr. in *State Trials*, IV, 185 f.

[32] Earl of Clarendon, *History of the Rebellion*, III, 255.

a time from the list of auditors for the accounts of the kingdom.[33] He and Walker too were the victims of libels. Charges were brought against them that they were the agents of the king, and other false reports spread. *Mercurius Britannicus*, which though it was the news-letter of the house was written by an enemy of Prynne, led the attack.

Though Prynne during the last months of 1643 had been chiefly concerned with Fiennes' trial, he had not forgotten Archbishop Laud. In November had appeared *The Popish Royall Favourite: Or, A Full Discovery of His Majesties Extraordinary Favours to, and Protection of, Notorious Papists, Jesuits*. Dedicated to the Earl of Essex, it was published by the authority of Parliament. It was compiled from the papers seized in Laud's chamber in the Tower; such documents as the articles of the Spanish marriage, letters and warrants of the king and council, were used in an effort to prove the perfidy of Charles I. This unbridled attack upon the monarch roused the royalist pamphleteers to warm defence. James Howell in 1644 attacked the claims of Parliament vigorously in *The Preheminence and Pedigree of Parliament*; an anonymous vindication of the king appeared as *Vindiciae Caroli Regis* in 1645.

The year 1644 began with the renewal of the charges against Laud. On January 16, 1644, Laud was conveyed from the Tower to the house of lords to answer to his impeachment. Because he was unprepared, he was returned to his prison. On the follow-

[33] Prynne, *Checke to Britannicus* (London, 1644), p. 7.

ing Monday, January 22, he was again taken to the house of lords, this time in a guarded coach because the Thames was frozen. He pleaded on this day the Act of Oblivion, whereby, the chronicler recorded, he confessed himself guilty of the crimes charged against him, *viz.*, "transgressions and contrivances against the Scots." [34] Laud's plots against the Scots were mentioned because of the close relations between Parliament and Scotland. Eager to secure the aid of the Covenanters against the victorious forces of Charles I, the house of commons was attempting to establish the semblance of Presbyterianism and to repudiate episcopacy. An Oxford pamphleteer saw a connection between the approach of the Scots and the revival of Laud's prosecution: "as the Scots advanced or slackened in their marches southward . . . so did they . . . quicken or retarde the worke: till hearing of the great successes which they had in Yorkeshire, they gave command to Master Prynne (a man most mischievously busy to disturbe the publicke) to prosecute the charge against him." [35]

Prynne's share in the trial of Laud, while discreditable because of his personal animosity to the Archbishop, undoubtedly shows his great legal ability. Though he conducted the prosecution, all the lawyers in the house were called upon for advice: [36] a proceed-

[34] *Certaine Informations*, Nos. 53 and 54, January 16 and 22 (London, 1644).

[35] *Brief Relation of the Death and Sufferings of the Archbishop of Canterbury* (Oxford, 1645), pp. 1 f.

[36] *C. J.*, III, 633.

ing which removes from him a part of the stigma. By all Puritans the Archbishop was regarded as the incarnation of Thorough in the church, especially of the injustices perpetrated in the Court of High Commission, but in the trial his political offences were stressed. He was regarded as guilty from the very first, so that the hearing of the evidence, carefully censored by the hostile Prynne, and Laud's defence were mere formalities. The trial began in the house of lords on March 29 with a scathing speech by Serjeant Wilde of the house of commons. Much to Laud's misfortune, few lords attended the hearings; often even the speaker, Lord Grey of Wark, was absent. Further to handicap Laud, it was not permitted that his own witnesses be sworn, while the evidence against him was uncompromisingly hostile. Indeed, the report was that Prynne had a school of instruction for his witnesses that they might testify according to his wishes.[37] But so great was the hatred which Laud had aroused in those whom he had persecuted that there was little need of Prynne's schooling them. Eagerly clerics and stationers testified of the Archbishop's past errors. Such details as that a Romish priest in layman's habit was seen in Lambeth palace seemed as significant as the charge that Laud had caused the dissolution of the last Parliament.[38] And when one realizes that the charges against Laud usually took all the morning until two o'clock and that he was then given only two hours to prepare his

[37] Laud, *Autobiography*, pp. 334 f.
[38] *Cal. S. P. Dom. Car. I, 1644*, pp. 4, 44, 47, 79.

reply,[39] it is clear that his adversaries had him neatly pinned. In spite of these handicaps, his defence was admitted by Prynne to have been "as full, as gallant, and as pretty a defence of so bad a case . . . as was possible for the wit of man to invent." [40] If all alleged against him had been true, Clarendon declared with considerable truth, yet they could not have found him guilty of treason.[41] The prosecutors were forced to resort to quibbling to prove their case. Serjeant Wilde told Herne, the Archbishop's counsel, "that all the Bishop's Misdemeanours put together, do, by way of accumulating, make many grand Treasons"; to which Herne aptly replied, "I never understood before this time, that 200 couple of black rabbits would make a black horse." [42]

Despite their efforts, Laud's enemies could not prove him guilty of treason and were forced to drop this method of procedure. Public opinion, however, clamored for the execution of the Archbishop; inflamed by the publication of such pamphlets of Prynne's as *Hidden Workes of Darknes Brought to Publike Light*, an exposé of papal intrigues in England from 1617 to 1644, it regarded Laud as the embodiment of popish and absolutist perfidy. Finally, as a sop to public opinion and to the demands of the Scots, an ordinance of attainder was passed by the

[39] There are of course numerous accounts of the trial. Laud, *Autobiography*, pp. 334 f., and Sir Philip Warwick, *Memoirs* (London, 1701), p. 183, defend Laud. The account in *State Trials*, IV, 599 f., is markedly Puritan. See Appendix, p. 189.

[40] Prynne, *Canterbury's Doome* (London 1645), pp. 462 f.

[41] Earl of Clarendon, *History of the Rebellion*, III, 465.

[42] *State Trials*, IV, 599.

house of commons on January 4, 1645, that Laud should suffer death as in cases of high treason. On January 6 it was decreed that he be executed four days later. By a strange coincidence he was beheaded on St. William's Day, that of the Bishop of Bourges, who had been as zealous against heretic Albigensians as had Laud against the Puritans. The history of the proceedings was written by Prynne and published by order of Parliament as *Canterbury's Doome*. The *Perfect Diurnall*, a news-letter, contrary to its custom, commended this book as being "the Bayne of Prelacy" and "excellently usefull and necessary for all." [43]

This victory over its archenemy marks the height of Parliament's influence. Though its military victories had not been decisive, yet Marston Moor, in July, 1644, had secured northern England for Parliament and had forced the retreat of royalist forces. Meanwhile, however, the failure of the army under Essex to win victories in southern England had caused a flood of criticism and had led to the passage of the Self-Denying Ordinance (by which all members of either house were to resign their commissions in the army) and the resultant reorganization of the army. Thus, military control was no longer in the hands of such Presbyterians as Essex and Manchester, but of Cromwell, the ambitious spokesman of the party inclined to Independency. A further misfortune the house had had in the death of Pym, the able parliamentarian. Since the death of Hampden and Lord

[43] *Perfect Diurnall*, May 25–June 1, 1646.

Brooke he alone had proven equal to the task of leadership. With this double blow, the death of its most able member and the beginning of loss of military control, the period of the supremacy of Parliament ends.

IV. CHECKMATE
(1645–1649)

Ye Presbyterian starrs, in Christ's right hand,
Though armies pul you down, yet shall you stand.

WHILE Prynne had been defending Parliament against the attacks of the king's adherents, he had not overlooked the appearance of a new menace, the rising power of the Independents. Despite his absorption in the prosecution of Archbishop Laud in 1644, he had recognized that Independency was beginning to constitute nearly as grave a danger to Parliament's supremacy. For a clear understanding of the increase in the power of this sect, which reached its climax in 1648 in the checkmating of Parliament, one must turn to the history of the Westminster Assembly. Here one finds the background of the ecclesiastical and political struggle between the moderate, or Presbyterian, and the radical, or Independent, parties, one controlling Parliament, the other the army, which was to complicate the struggle between king and Parliament and finally to bring about the downfall of both.

The Westminster Assembly, which saw the inception of this rivalry of Presbyterian and Independent, had been created by the order of Parliament in July, 1643. Composed of clergy and laity, it had met to consider the reform of the Anglican liturgy. Soon it

had become evident, however, that even a modified Anglicanism was incompatible with the Presbyterianism of the Scots, then eagerly sought for as allies against the king. So, on October 12, 1643, to propitiate these stern Calvinists, Parliament had asked the Assembly to consider a new frame of government for the church. United as the Assembly had been against Laudian episcopacy, within it factions soon appeared. The party which favored the establishment of the Scotch polity at first dominated the Assembly, and, aided by such able Caledonians as Baillie, Rutherford, and Gillespie, the Presbyterian party ignored its critics. The Independent faction, though Calvinistic in theology, wished the governing power to remain in the separate congregations, instead of the presbytery or synod. Its strength was steadily increasing, partly because the army was mainly Independent. The chief obstacle to the establishment of Scotch Presbyterianism, however, lay in the tactics of the Erastians.

This group of men received its name from Thomas Erastus, a sixteenth-century Dutch physician and theologian, who had placed ecclesiastical discipline in the hands of the state. Jealous for the privileges of Parliament, which they felt were jeopardized by the ambitions of the presbytery's supporters as they had been by the encroachments of the prelates upon the royal prerogative, the Erastians fought a brave fight. The presence in the group of such men as John Selden and Thomas Coleman, the famous Hebraist, is proof of the scholarship and acumen of its membership.

Foremost among the Erastian pamphleteers was Prynne. Ever eager to defend the integrity of the state, he was one of the first to see that Independency with its chaotic polity and its disregard for precedents might influence men's political views. In numerous controversial tracts he voiced the feeling of moderate-minded men: those who were loyal to the traditional national church and who objected only to the overweening claims of the prelacy; those who, Calvinistic in dogma, feared the stern rigor of Scotch Presbyterianism; those who, opposed to the absolute control of ecclesiastical affairs by the bishops, yet mistrusted the freedom allowed to congregation and to individual in the church's discipline. A church Calvinistic in theology, dependent upon Parliament both as the source of its authority and the instrument of its discipline, was the ideal of the Erastian. It will be seen, thus, that the controversy which Prynne carried on was a dual one; rather, there were two issues, Scotch Presbyterianism and Independency. It will be, therefore, necessary to untangle the activities of Prynne during the years 1643–1648. His attacks on the rigid Presbyterians, though nearly contemporaneous with his agitation against Independency, will be considered first because they ended first and, also, were of lesser importance.

The Presbyterian party in the Westminster Assembly, though fewer in number and with less support from public opinion than the Erastians and Independents, was a formidable one. The chief source of its strength was the support from Scotland, both

in the army and in the presence of certain prominent clergymen who were skilled in disputation. Though Parliament had created the Assembly and had appointed the clergy and laity who constituted its membership, the Presbyterians wished to create a church free from state control. The fact that the Erastians also favored the reorganization of diocese and parish into synod and classis made such Scotchmen as Baillie at first overlook their essential difference in the point of source of authority. In the Westminster Assembly the Erastians did not make their influence felt until 1645;[1] in the house of commons, however, in 1644 the efforts of two Erastians, Glynne and Whitelocke, had served to prevent the passage of a bill declaring the Presbyterian order of church government to be *jure divino* by frustrating the ruse of the Presbyterians, who pressed the measure when only a few opponents were present.[2] The creation of a frame of mind, a spirit opposed to the grim purpose of the Presbyterian party, was, however, the work of the pamphleteers.

In the first few years of the ecclesiastical controversy, that is to say from 1643 through 1644, Prynne directed his attention to the Independents, who he felt were threatening the life of the state. He did not hesitate, however, to attack, though incidentally, the ambitions of the Presbyterians. Calvinistic as he was, he feared the establishment of a theocracy. Oddly enough, the discovery of the essential difference be-

[1] Baillie, *Letters and Journals*, II, 306.
[2] *Ibid.*, p. 337; Whitelocke, *Memorials*, III, 106.

tween the Erastians and the Presbyterians did not take place until 1645, when Prynne became more outspoken in his denunciation of the "over-rigid" Presbyterians. Thomas Goodwin,[3] a prominent Independent, and Baillie [4] recognized nearly at the same time that the Erastians, as typified by Prynne, were as inimical to the Presbyterians as to the Independents. Prynne and other writers were accused of dividing the Presbyterian party, as they had already made a breach between it and Independency, by giving supreme legislative power to civil magistrates in all matters of religion.[5]

In *Diotrophes Catechized*, which appeared on May 8, 1645, Prynne, though commending Presbyterian polity, protested against the ambitions of its clergy. A "spiritual yoak of bondage" would be placed upon the laity, he feared. There was nothing new in Prynne's arguments. The objections already voiced by Selden, Coleman, and Lightfoot in the Westminster Assembly or by Selden and Whitelocke in the house of commons were repeated. The Scriptures, Prynne maintained, proved that the high priest, appointed by the king, had judged jointly with the king. An analogy was drawn from the fact that priests' jurisdiction over lepers now, according to English law, was given to mayors, bailiffs, and justices of the peace; therefore, his argument was, "May we [not]

[3] Thomas Goodwin, *Calumny Arraigned and Cast* (London, January 30, 1645).

[4] Baillie, *Letters and Journals*, II, 336.

[5] *Falsehood of Mr. Pryns Truth Triumphing over Falsehood* (London, May 8, 1645).

as fondly argue . . . that they may excommunicate and suspend from the sacrament all such as are . . . infected with the leprosy and plague of sin?"

"No popery" was an argument not shunned by the Erastians. Prynne made use of it in his revelation of the ambitions of presbyters. While the Roman bishops were claiming the papacy and their superiority over other churches by grants from the Christian emperors of Rome, Prynne declared, they were very humble and obsequious to these rulers; with their increasing power they were very arrogant to the emperors, until they finally defeated them. He significantly added that the same thing might happen if no limitations were placed on the power of the clergy in the new polity.

Clearly Prynne's attacks upon the Presbyterians were actuated by a lofty motive, the preservation of independence and spiritual integrity. The religion of the Scots was a menace because of the power of the clergyman over the laity, especially in the matter of excommunication. That one man, or small group of men, should have power to bar men from the spiritual satisfaction of the Sacrament of the Eucharist smacked of tyranny; but it must be admitted that Prynne was not wholly consistent, sometimes denying excommunication at all, again declaring that this power lay only in the hands of the civil magistrate. The stand most frequently taken was that of protest against arbitrary domineering over men's Christian liberties: "God only infallibly knows the hearts and present state of all men, not any minister or Presbytery."

While, as has been seen, Presbyterianism was to be feared only because of the danger of ecclesiastical tyranny, Independency was thoroughly reprehensible in every respect. The Brownists, as Prynne continued to call them in spite of their protests, were particularly abhorrent to such a stickler for precedent as Prynne. In a series of pamphlets from 1643 to 1657 he declared their anarchical beliefs as "bad or worse than the popish gunpowder plot." The titles of his tracts reveal his bias — for instance, *Fresh Discovery of Some Prodigious New Wandring Blazing Stars and Firebrands Stiling Themselves New Lights, Firing Our Church and State into New Combustions.* Dangerous as were the tenets of the Independents concerning ecclesiastical polity, the political implications of this sect were of far greater moment in the eyes of Prynne. A church divided into many congregations, each a law unto itself, implied a divided state. Church government, Prynne insisted, must be suitable to the civil government, for there had been the same order in the evolution of ecclesiastical government as in that of civil, from the family to the larger group. The essentially political point of view of the Erastian is seen in Prynne's declaration that the law of nature which taught men submission to the government in civil affairs applied in ecclesiastical matters. Independency, he felt, represented a new "kind of gun-powder plot, a Pioner and underminer of Parliamentary authority." That he was no alarmist is seen in the fact that the Independent party contained such radicals as Lilburne, later leader of the

Levellers. Prynne's unbridled attacks on Independency continued even after a modified Presbyterian government had been adopted by Parliament; clearly he regarded this sect as a political party, a point of view which was proven true by the later history of the civil war.

In 1646, according to Edwards' *Gangraena*, Prynne and Bastwick, who was an orthodox Presbyterian, were again nearly in trouble for their writings. The sectaries made every effort to rouse the house of commons against them. In a petition to the house they included a schedule of the most offensive passages in the works of these two controversialists. The house, however, ignored them.

In the pamphlet warfare Prynne cudgelled Hugh Peters and Thomas Goodwin, but his encounter with John Lilburne, once his amanuensis, who had been imprisoned in the 1630's for distributing Prynne's tracts, had a more personal, and therefore more interesting note. The bitter controversy began in January, 1645, when Lilburne wrote a letter to his former employer denouncing him, the Westminster Assembly, and Parliament. Upon Prynne's failure to reply, Lilburne, fancying that he had found Homer nodding, had the letter printed. The combination of abuse and arrogance led a parliamentary committee to summon him for rebuke; Lilburne was forgiven and the matter dropped, Prynne tells us, because of his intervention.

In May, Lilburne, who was then a lieutenant colonel, returned to London, but, according to Prynne,

took good care to avoid him. One day, however, while Prynne was walking in Westminster Hall, he saw his adversary approaching. Though the latter suddenly turned his back upon him, Prynne accosted him mildly. That Lilburne had so forgotten his duty to Parliament as "to libell against their Ordinances . . . to revile the Synod," and to slander Prynne, had troubled Prynne, and he now desired the lieutenant colonel "in a friendly way to give some satisfaction to the House and myselfe." This kindly speech aroused its hearer's anger. Using "many unfitting speeches to show his Billingsgate education," he declared that if Prynne, who had gently put his hand on his shoulder, were out of the hall, "he would teach him to lay his hand on him." Prynne rebuked him for his fiery temper and declared that because he was so refractory he must be called to account for his actions. In a few weeks Lilburne was again summoned before a committee of Parliament. Upon his confession he was not prosecuted. The quarrel between the two men led Prynne to give his version in *The Lyar Confounded*, which roused Lilburne to reply in *Innocency and Truth Justified*. Despite his unseemly controversy, Prynne retained the support of Parliament. In 1645 he was appointed with five others to judge persons chosen as elders for the classis of the two Serjeants' Inns.[6]

A menace to the predominance of Erastian and moderate in the house of commons appeared in 1645. Then, by a surprise attack, the Independents carried

[6] *C. J.*, VI, 300; *L. J.*, VII, 652.

through a measure that warrants be issued for by-elections.[7] The moderate party, which included both Erastians and orthodox Presbyterians, did not favor such by-elections, in spite of the fact that many constituencies were unrepresented by the withdrawal of royalist members, for it feared that the brilliant victories of the New Model Army would so influence the voters that soldiers would be returned and the radical party thereby strengthened. In the three hundred by-elections which followed, the two parties struggled bitterly for control. Each acrimoniously accused the other of manipulating elections, of using undue influence with the Committee of Privileges and Elections, of buying and selling seats. Prynne, as might be expected, was foremost in the controversy. His virulent pen denounced both Independent methods of securing representation and the character of members thus gained. *Minors No Senators* attacked particularly the election of those who had not reached their majority, with an incidental sally against Hugh Peters, who was electioneering with apostolic zeal. Prominent as was the part which Prynne played in the by-elections, he was not elected to Parliament until 1648, when, we are assured by him, he was returned by the worthy citizens and vintners of Newport entirely without his solicitation or knowledge. His enemies, of course, declared that he bought his seat.[8]

[7] *C. J.*, IV, 248. Details of the measure are given in Whitelocke, *Memorials*, III, 152, and Denzil Lord Holles, *Memoirs* (Maseres Collection of Tracts, London, 1815), I, 214.

[8] *A Word for William Pryn and Two for the Army* (London, 1648).

While Prynne had been serving Parliament by attacks upon those who would limit its power and by his services as chairman of the committee of accounts, he also had been active in his profession. He began the year 1645 by prosecuting Connor Lord Macguire, at Parliament's appointment, for high treason. Lord Macguire and Hugh Oge Macmahon had been brought to England in 1642 as "two of the principal contrivers of the Irish rebellion and massacre of the Protestants in that Kingdom." Macmahon had been executed in November, 1644. Lord Macguire had gained respite by protesting against the legality of his trial in England: he insisted that as a member of the Irish Parliament he should be tried and judged by his peers in Ireland, citing the clause of Magna Charta that none shall be condemned but by judgment of his peers, and a statute of Henry VII which declared that all laws made in England should from thenceforth be in force in Ireland. His plea, however, was overruled by Chief Justice Bacon. On January 10, 1646, he was brought before the Court of King's Bench. Prynne as prosecutor had a task agreeable to his controversial and antiquarian spirit, and he outdid himself in his zeal; indeed, he later declared that in this case, as in that of Archbishop Laud, he had brought "Parliament off with honour" when it was at a loss.[9] In the preliminary hearing of the case he had shown by citation from Coke's *Institutes* and innumerable precedents in Irish and English law "that all but English peers indicted for foreign treasons shall be tried by

[9] William Cobbett, *Parliamentary History*, III, 1153.

good and lawfull men of the shire where the King's Bench and Commissioners sit." His skilful pleading, strengthened by the testimony of his witnesses, many of whom had been brought from Ireland through his diligence, led to Macguire's being sentenced to death as a traitor.[10]

In February, 1647, Prynne's controversial zeal was recognized again by Parliament. Oxford, the stronghold of royalism, must be dealt with; and for that purpose a committee of twenty-four, including Prynne, was appointed to make a visitation.[11] "The due correction of offences, abuses, and disorders, especially of late times committed there," the learning of what members had not taken the Covenant, were the specific aims of this body. Early in June, however, Oxford replied to its would-be reformers by passing a declaration against the Covenant, and so intense was its defiance that the committee was forced to drop the matter for a few months.

With greatly increased powers the committee, in August, returned to its task of subduing Oxford. The "Academicians" continued recalcitrant. Efforts to hinder the work of the visitors by begging for time to complete their defence, by objecting to the writ of visitation as illegal because it bore the wrong date and was in English, sorely taxed the patience of the visitors. Prynne's name appears frequently in the records as one zealous to work the will of Parliament

[10] Prynne, *Subjection of All Traytors, Rebels, as well as Peers and Commons in Ireland to the Laws, Statutes, and Trial by Juries of Good and Lawful Men of England* (London, 1658), p. 66; *State Trials*, IV, 686 f.

[11] *C. J.*, V, 82.

upon the offenders.[12] His pamphlet, *The University of Oxford Plea Refuted*, written to disprove the claim of Oxford that only the king ever had had power of visitation, served to bring upon him a number of attacks. These ranged from the serious *Short Censure of the University of Oxfords Plea Refuted*, which proved the weakness of Prynne's logic and his history, to the sharply satirical *Visitation of Oxford, Lord Have Mercy upon Us*, full of jibes at earless Prynne.

In the meantime a far greater problem had confronted the house of commons. The conflict between the Independents and the Presbyterians had widened in scope until now both parties were engaged in a struggle for political control. The radical party, through the army victorious upon the battlefield, and led by the mighty figure of Cromwell, wished now to have equal power in shaping the policies of the country, and, angered at the efforts of the house to disband unpaid the now too powerful army, turned upon it vengefully. The situation was complicated by plots for control of the vanquished king. In 1646 Charles I had fled to the Scots in the hope that the rising antagonism between Presbyterian and Independent might lead to his advantage. The Scots were, however, more desirous of having the expenses of their campaign paid than of cherishing their monarch. Accordingly in January, 1647, upon the promise of £400,000 from Parliament, they gave the king into

[12] *Register of the Visitors of the University of Oxford* (Camden Society Publications, 1881), p. 9 f.; *Cal. S. P. Dom. Car. I, 1648–1649*, p. 511; Anthony à Wood, *Life and Times* (Oxford, 1891), I, 143; Earl of Clarendon, *History of the Rebellion*, IV, 259.

the hands of its commissioners and returned home. The moderate, or Presbyterian, party thus held the king a nominal prisoner in Holmby Castle in Northamptonshire. Royalist at heart, it made an effort to come to an agreement with Charles I.

The radical party thereupon took a decisive step. The intrigues of the house of commons, it realized, must be cut short; otherwise Charles I might be replaced on the throne through Presbyterian influence, with evil consequences for the army which had won the victory over the royalists. On June 3 Cornet Joyce replied to the measures which the house was passing against the army by boldly seizing the king and taking him to Newmarket. From thence he was taken to Hampton Court, where he lived until he attempted to escape in November to the Isle of Wight, only to be recaptured and again imprisoned.

The first quarrel between the two parties came in June, 1647, with the impeachment of eleven members of the house of commons by the army, which was moving toward London. These men, hitherto prominent as champions of moderate policies, were Denzil Holles, Sir Philip Stapleton, Sir John Maynard, Sir William Lewis, Sir John Clotworthy, Major General Massey, John Glynne, Walter Long, Colonel Edward Harley, Anthony Nichol, and Sir William Waller. "These were all men of parts, interest, and signal courage," explained Clarendon, "and did not only heartily abhor the intentions which they discerned the Army to have . . . but had likewise animosities against the persons of the most active and powerful

officers." [13] Upon Parliament's refusal to examine the charges, the army sent a remonstrance.

At once Prynne rushed to the defence of parliamentary privilege. On June 25 appeared his pamphlet, *Nine Queries upon the Printed Charge of the Army against the Eleven Members*, in which he sturdily maintained the cause of his fellow moderates. His loyalty was recognized by the house when in July it became necessary because of the increasing importunities of the army to proceed to a trial of the impeached members: he was appointed one of the counsel for the defence. The trial was averted by the withdrawal of the impeached members, but the controversy was not ended. Alarmed by the encroachments of the army, the undaunted Prynne continued his pamphleteering activity. His success is seen in the replies which he drew from such royalists as Judge Jenkins and from such Independents as Marchamont Needham, "Britannicus," whose pamphlet, *The Lawyer of Lincoln's Inn Reformed*, rebuked the inconsistency of this well-known antagonist of the king developing into a supporter of monarchy. As the army increased in strength, Prynne's attacks became more spirited and more numerous.[14] *New Presbyterian Light, Springing out of Independent Darkness*, of July 30, revealed the army as jesuitical and mutinous in its demands upon Parliament.

[13] Quoted in *State Trials*, IV, 757 f.

[14] They are: *Full Vindication and Answer of the Eleven Members to a Late Printed Pamphlet Intituled A Particular Charge or Impeachment; The Totall and Finall Demands Made by Agitators and Army*; and *A Counter Plea to the Cowards Apologie*.

In this contest for power public opinion clearly was on the side of Parliament. London especially deprecated the ambitions of the army, which by its approach had caused the price of provisions to rise and trade to decrease some £200,000 weekly.[15] The hostility of townsman and lawyer to the other element, with its great number of provincial soldiers, is seen in a bit of doggerel:

> The grand design and main intent
> Is to new mould the Parliament.
> The Army then and country clown
> Will turn the Kingdom upside down.

Meanwhile a host of pamphlets such as Prynne's were answered by petitions from Independent congregations and tracts which showed the intention of the radicals to abolish the house of lords and enfeeble the commons. The democracy of an army governed by such men as Hewson the cobbler, Hobson the tailor, and Pride the Sedgemoor swineherd and brewer's waggoner, boded ill.

In July a London mob, enraged at the meekness of the commons, forced it to vote measures hostile to the army — measures which the majority inwardly favored but which hitherto they had lacked courage to enact. In reply the army proceeded to occupy London. Parliament realized the futility of opposition; cowed, it allowed the sympathizers of the army

[15] *Workes of Darkness Brought to Light* (London, July, 1647). This pamphlet is a remarkable compilation of bits of doggerel and spirited answers to radical pamphlets, to show the dangerous designs of the sectaries.

to carry through measures expelling the eleven members and declaring null the enactments of July.

In defiance of army and sectaries, Prynne's virulent pen produced his greatest Erastian work, *The Sword of Christian Magistracy Supported*. With keen logic and a formidable array of precedents he glorified the power of the state to prove to the discordant elements in the kingdom that Parliament alone was the source of all authority.

It is possible that during 1647 Prynne went to Edinburgh to negotiate with the Scots. Though no record is found in official sources, two pamphleteers mention his having gone north to plot. *Mercurius Pragmaticus*, a royalist news-letter, pictured Prynne as "doing penance a while with Scotch Diet and lodging at Edinburgh among the Arch Angels of the Faction." *Speedie Hue and Crie*, ever eager to attack the army's enemies, accused him of having gone there to levy an army, and accordingly sent abroad a description of this diplomat:

> For the said Will: Pryn, you may easily know him by a long meager face (like envy itselfe) eares cropt close to his head, which is stockt with plots, queries, workes of darknesse, and the like, he is slit in the nose, mark'd in both cheekes and forehead with S for schismaticall slanderer.

It seems, however, improbable that Parliament would send such a confirmed Erastian to plead its case among the exponents of the *jus divinum* of church polity.

"The fundamentall liberties of England," of which he was so staunch a defender in pamphleteering if not

in intriguing, were menaced afresh at this time by the rise of the Leveller party. In October, 1647, *The Case of the Army Truly Stated* defined its position, that Parliament should be elected by manhood suffrage and should consist only of the house of commons. Prynne's legalistic mind repudiated such departure from precedent. On January 21, 1648, appeared his reply, *The Levellers Levell'd to the Very Ground*, in which he declared that, while Parliament might exist without a house of commons, there was no precedent for Parliament without a house of lords. These arguments were repeated and reinforced on March 2 in *A Plea for the Lords: or, A Short Vindication of the Judiciary and Legislative Power of the House of Peeres.* To discredit this persuasive and learned pamphleteer, his enemies two weeks later published *A Plea: or, A Protest Made by William Prynne, Esquire.* The purpose of this pamphlet, which was a bitter attack on the house of lords, was to prove him a turncoat: a method of attack often used in those days of anonymous tracts and ruthless literary battles.

Though prone to exaggerate in the heat of controversy, for his was a legal, not a judicial, mind, Prynne had a sound respect for, and a vast knowledge of, precedents. In *Irenarchus Redivivus* he ably defended the historic function of the house of commons, that of a law-confirming body. With unanswerable arguments he maintained that the assent of the king was essential to make ordinances binding, and therefore urged the houses to turn all ordinances into acts of Parliament and "to press the king's assent in

their expected personal treaty." This optimism of Prynne's as to a treaty with a king was not unwarranted. Despite the strength of the Independent party, he trusted that London and the shires, which had greeted enthusiastically the returning king, would aid Parliament to withstand its foes. The Scots too he knew were intriguing with the king. Something must come of these negotiations.

Meanwhile he continued his work of opening citizens' eyes to the menace of the army. *Machivileian Cromwellist* exposed "the most detestable falsehood, dissimulation and machivillian practices of lieutenant-general Cromwell and his confederates." By "juggling" the army Cromwell had advanced himself and his kindred. Next, in a boldly written tract Prynne dared to impeach Cromwell and thirteen other Independent leaders. Since the first of January, 1648, he claimed, these men had tried to "subvert the fundamentall government, laws and liberties," of England. Though anonymous, it was obviously not penned in a manner to conceal its authorship; neither was its successor, *Mercurius Rusticus*, which purported to be a protest by the provinces against the seizing of the king by Cornet Joyce. *Ardua Regni: or, XII Arduous Doubts of Great Concernment of the Kingdome Propounded to Mr. Speaker, the House of Commons* protested stoutly against the encroachment of the army upon parliamentary privileges.

The second civil war, which raged from May to August, 1648, proved definitively to all moderates the hopelessness of the situation unless the king were

restored. Only the New Model Army showed itself antagonistic to the king; Presbyterian soldiers declared for him, Cavaliers aroused the countryside; even the Scots sent southward a large army. But though Cromwell and Fairfax with overwhelming victories reasserted the predominance of the army, Parliament did not despair. Public opinion had shown itself eager for the restoration of Charles I. Moderate men in the house of commons with new zeal turned their attention to the completion of the treaty with the king. In this new crisis Prynne was not silent: *The Bloody Project: or, A Discovery of the New Designe in the Present War* stressed the anti-royalist ambitions of the army and justified the return of the king, "limited by law," to his rightful share in the government.

Prynne's election to the house in November, 1648, as member for Newport (Cornwall), in the same month in which he was called to the Bench of Lincoln's Inn,[16] marked the beginning of a brief but busy period.[17] With the fearlessness which had characterized his pamphleteering, he became one of the spokesmen of the treaty with the king and an unbending opponent of the army. The presentation of the Remonstrance of the army, in which the election of the king and of a new Parliament "as upon trust for the people" was demanded, on November 20 resulted in a lively argument. The chief of the Independents, Sir Peter Wentworth, Scott, and Holland, praised it

[16] *Black Books of Lincoln's Inn*, II, 379.

[17] *C. J.*, VI, 77 f., contains frequent mention of Prynne's activity as a member of many committees.

highly, Holland even moving "that the thanks of the House might be returned to the Army for this their so seasonable Remonstrance." [18] Prynne, we are informed by a royalist news-letter, *Mercurius Pragmaticus*, "put the Remanstrance in the Pillory with a notable speech": it was so far from seasonable, he declared, that it was "destructive to the Law of the Land and to the Fundamentall Constitutions of the Kingdom." [19] Whitelocke does not mention this gallant speech of Prynne's, but says that there followed a long debate, in which some attacked it bitterly, others defended it, but most were silent because of fear of the army.[20] Others seconding Prynne, debate on the Remonstrance was postponed for a week.[21] The army officers menacingly declared that "they must and would have their Remonstrance debated out of hand, or the House might take what followed." [22]

The reply of the army to such defiance was the removal of Charles I from Carisbrooke Castle to Hurst Castle, where he might be more closely watched. On the day following this action, on November 30, the house, ignorant as yet of this new indignity, after a debate upon the Remonstrance voted with a majority of nearly ninety that it should not consider it at this time. The army then advanced.[23] Prynne's motion

[18] Earl of Clarendon, *History of the Rebellion*, IV, 462.
[19] *Mercurius Pragmaticus*, No. 35, November 21–28, 1648.
[20] Whitelocke, Memorials, II, 457.
[21] *Clarendon State Papers* (Oxford, 1767–1786), I, 447.
[22] Cobbett, *Parliamentary History*, III, 1128 f.
[23] Rushworth, *Historical Collections*, VII, 1341 f.

that the officers and soldiers, now nearing Westminster in their march, be voted rebels and traitors failed to receive recognition, though another member boldly volunteered to draw up such a declaration.[24]

While the army was moving closer, from Windsor to Whitehall, Parliament intrepidly discussed the king's propositions in an effort to come to terms with him. The notable Independents urged hasty action upon the terms of the peace. Prynne, however, boldly insisted "that the consideration thereof ought to be laid aside till they were a free Parliament; for that their debates could not be with due liberty now that they were environed by the army." The motion that candles be lighted and that the debate be continued was lost by a vote of 132 to 102.[25]

News of the king's removal to Hurst Castle did not reach the house until December 4. "This was a torment beyond Pistoll and Poyson," Clement Walker informs us, for "now to have the Houses debates and results forestalled, and the treaty made frustrate by such an act of violence and prevention committed upon the person of the king was a presumptuous, rebellious act." It was moved, thereupon, despite the quibbling of those who idolized "that Bell and the Dragon the Army," that Charles I had been removed without the consent and against the wishes of the house.[26]

Immediately after this motion, the house renewed

[24] *Clarendon State Papers*, II, appendix, p. xlviii.

[25] Cobbett, *Parliamentary History*, III, 1145–1146.

[26] Walker, *History of Independencie*, Part III, pp. 27–28; Earl of Clarendon, *History of the Rebellion*, IV, 463.

discussion of the treaty with Charles I. The army party insisted that the king "was no more to be trusted than a lion that had been caged and let loose again at his liberty." Prynne, during the debate, made a dramatic speech in defence of the king. He began by enumerating his sufferings at the hands of Charles I, for which he had never received one farthing of recompense from the house. With many "strong solid Reasons, Arguments, and Presidents" he attempted to prove to them that the king had granted to them far greater concessions in matters of state and of religion than had ever been enjoyed under or desired from his predecessors. After he had "waded through the whole Treaty" he attacked the jesuitical designs of the army. He spoke "with much pathetique seriousness" and "with so cleare a confutation of the opposite arguments that no man tooke up the Bucklers against him to refute him." [27] Nevertheless, through the strategy of the army party, which hoped to tire and discourage the moderates, the debates lasted until Tuesday morning. Despite the march of the army to Westminster to frighten the house into rejecting the treaty, the question "carried cleerly" in both houses.[28]

The reply of the army to such defiance was Pride's Purge. The following day, December 6, a party of horse and foot, commanded by Colonel Pride, were

[27] Walker, *History of Independencie*, Part III, p. 28. See also Cobbett, *Parliamentary History*, III, 1152. Here is found the statement that only Walker of all contemporary writers mentioned this speech. A pamphlet of 1651, *A Brief Narrative of the Mysteries of State Carried on by the Spanish Faction*, discusses it. The speech was printed in 1649.

[28] Cobbett, *Parliamentary History*, III, 1240.

sent to "beset all Passages and Avenues to the Houses of Parliament to fright away the Members." The officers were provided with a list of members to be imprisoned or secluded. Two members of moderate views were "pulled out of the House of Commons as they looked out at the door." Prynne, despite his protests, was thrust forcibly into Queen's Court to join the other secluded members.[29] Thus did the struggle of the moderate party end, with over forty imprisoned and ninety-six secluded. Others absented themselves because of fear of the army. In spite of the protests of the house of commons against this breach of privilege, Colonel Pride refused to free his prisoners. In the evening the prisoners were kept in Hell, "a common victualling house so called," where they "patiently underwent this affront and duresse in Hell itself . . . reading and singing Psalmes to God," Prynne declared, and "spending most of their night in Discourse and walking, without taking one minutes rest or sleep." [30] After this pious night, the prisoners were taken to Whitehall and there kept "in a cold room without fire or meat or drink (but some burnt wine and Biskets they sent for thither)." At last, the officers sent them prisoners, escorted by three musketeers and a guard of horse, to the King's Head and the Swan in Cheapside.

On December 7, Prynne protested against such tyranny in *True and Full Relation of the Officers and*

[29] Earl of Clarendon, *History of the Rebellion*, IV, 465–466; Prynne, *Parliament under Power of the Sword; Memoirs of the Verney Family*, II, 395; Cobbett, *Parliamentary History*, III, 1248.

[30] Prynne, *Parliament under Power of the Sword.*

the Armies Forcible Seizing of Divers Eminent Members of the Commons House. Four days later, in a broadside entitled *A Solemn Protestation of the Imprisoned and Secluded Members*, he declared all acts of the Rump null and void. Upon the first opportunity, as might be expected, he protested to Ireton himself; accompanying sixteen secluded members in their attendance upon "the Mechanick Counsell" at Whitehall, on December 20, he thrust himself into Ireton's presence. Commissioner-General Ireton angrily demanded that Prynne be thrown from the room. Fearlessly Prynne declared openly to the officer that the army "had endeavoured utterly to subvert the Fundamentall Lawes and Priviledges of Parliament; and that they had no power over him, nor any member thereof . . . and that all men ought to indeavour to bring them to condign punishment as Rebells and Traitors against both King and Parliament." Ireton, a hostile writer informs us, knew not what to say in reply. Prynne, thereupon, was hurried away by the marshal.[31]

Though imprisoned, Prynne continued his attacks upon the army and the Rump. In *A Remonstrance and Declaration of Several Counties, Cities, and Boroughs against the Unfaithfulness of Some of Their Knights, Citizens, and Burgesses*, Prynne denied the legality of the house of commons. Through intimidation and imprisonment the number of members had been reduced to a mere handful; for instance, Cornwall had only four of its twenty-four representatives.

[31] *Clarendon State Papers*, II, appendix, p. xlix.

His protests against the illegality of his imprisonment and of the present government continued in a series of letters and tracts, which proved that, though imprisoned, their author was fearless. *A Briefe Memento to the Present Unparliamentary Juncto*, published on January 4, 1649, was the first of these, though it was not the most plain-spoken, which attracted the attention of the remnant of the house of commons. Its efforts to make Prynne admit authorship or to appear before the house for censure served only to arouse Prynne to contemptuous reproof, instead of obedience, and the matter was dropped.[32] Five other tracts, one of which was written by Prynne and Clement Walker, echoed his protests against the trend of affairs. The anti-monarchical sentiment and the approaching trial of Charles I especially roused Prynne's anger. Undaunted, he declared that it was high treason to compass the deposition or death of the king.

Meanwhile the few members left, known as the Rump, proceeded to declare themselves the supreme power. Accordingly they appointed a commission to try Charles I. With utter disregard of law and of public opinion, the Independents, secured by the army's loyalty, proceeded to the execution of their king and, next, to the abolition of the house of lords, actions which forced Prynne fearlessly but ineffectually to issue a broadsheet declaring Charles II to be now ruler of England. Freed from its traditional

[32] *Mercurius Pragmaticus*, No. 41, December 27, 1648–January 9, 1649; *C. J.*, VI, 111, 115 f.; Cobbett, *Parliamentary History*, III, 1258–1259; Rushworth, *Historical Collections*, VII, 1489–1490.

checks, and disregarding its critics, the Rump, the tool of the army, governed England.

When Prynne was freed is not known. On March 25 he published his last attack for his imprisonment, and in May he was resting in his Swainswick home; in spite of the predictions of his contemporaries and his defiance of the government, he escaped with impunity. Henceforth he was to be an unflinching foe of the Revolution, which he had now learned was as illegal as the old ecclesiastical tyranny. His was not a revolutionary spirit. When opposition to the king passed beyond legal bounds, he stopped short. The experience of the civil war, most of all the beheading of Charles I, had served to deepen in him his loyalty to precedent.

V. TYRANNOMASTIX
(1649–1658)

Secluded Prynne
Whose often declaring hath furnish'd the Nation
With Parliament arguments of the old fashion.

DURING the years which intervened between Prynne's release from prison and the death of Oliver Cromwell, he continued his attacks upon the illegal rulers of England. The moderates, who had scornfully rejected the suggestion of the Independents that they, as guilty as the Rump in that they had made war against the king, should return to Parliament to become, as Walker expressed it, hewers of wood and drawers of water for the victorious army party,[1] busied themselves with pamphleteering and plotting. The ignoring of their rightful ruler, Charles II, who across the water awaited opportunity to return, the innovations in government, the Council of State, and the Protectorate alike aroused them to protests. Prynne's pen was as active as ever during this period, and was to bring him early in the decade of the 1650's to imprisonment. But such a small matter could not check his writing.

When, therefore, he returned to his farm in Swainswick in 1649 he was not to have the rest which he needed after his arduous conflict with the radical

[1] Walker, *History of Independencie*, Part III, 157.

party. The indignity of free quarters, hated by all English, was demanded of him by the army on its way to Ireland. In fact, Swainswick was supposed to supply lodging for three days. *A Seasonable, Legall, and Historicall Vindication of the Liberties of England* tells the story of Prynne's characteristic encounter with the soldiers.

"By pursuance" of the orders that soldiers be given free quarters at Swainswick, three of them came to Prynne's house. Much to his dismay, the soldiers climbed over the garden walls, beat the servants without any provocation, and even drew their swords upon Prynne when he demanded to know whose soldiers they were and by whose authority they demanded free quarters. His home was neither inn nor alehouse, he insisted, and free quarters was against the law. The soldiers were undeterred by such words. Possibly they knew of Prynne's reputation as a supporter of the claims of Parliament against the army. With provoking speeches, they broke windows, forced his strong-beer cellar door, and ransacked the house under the pretext of searching for arms. Not content with stealing clothes and money, they "hollowed, roared, stamped, beat the Tables with their Swords and Muskets like so many Bedlams," and threw beer and provisions at the heads of the maidservants. On the refusal of Prynne's sister to provide them with beds for the night, they demanded money. Finally she promised to give them eighteen pence apiece as soon as they were outdoors and an additional six pence the next day. They thereupon departed.

The next morning, as was his custom, Prynne went to the Lecture at Bath. During his absence, some thirty soldiers returned to his house and demanded quarters or a shilling for each soldier. Upon his sister's refusal they behaved like "so many Furies and Divels." Prynne, hearing of the violence, hastily returned home. Unable to influence the "Bedlam mad" soldiers, he sought their officers at Bath, but could not obtain satisfaction.

Early in April the Rump had passed a law taxing England £90,000 a month to support the army. Two months later, on June 7, Prynne was informed by the assessors of the parish of Swainswick that he was assessed £2.5*s*. for three months' contribution. Instead of paying this tax, he first conveyed his estate to his relatives,[2] and proceeded characteristically to write pamphlets against it. *Reasons Assigned by William Prynne against the Contribution for the Maintenance of the Forces to be Continued in England and Ireland*, on June 16, was reinforced by *A Seasonable, Legall, and Historicall Vindication of the Liberties of England against Illegal Taxes*. Two editions of the latter appeared, one on July 16 and the second on August 12. Prynne brazenly defied the "illegal junto," charging that they behaved in a far more reprehensible manner than ever had the late murdered king; and he called his fellow men to resist this new and dangerous tax as they had Ship Money:

> We ought all to endeavour to the crushing of this new Cockatrice in the shell, lest it grow to a fiery Serpent, to

[2] Wood, *Athenae Oxoniensis*, III, 849.

consume us and to sting us to death, and induce the Imposers of it to lade us with new and heavie Taxes of this kinde when this expires . . . if we patiently submit to this leading Decoy.

The illegality of the remnant of the house of commons making laws for England was further assailed by Prynne in *First Part of an Historical Collection of Antient Councils and Parliaments of England from the Year 673 till An. 1216.* From history and records he demonstrated that the ancient parliaments of England consisted only of the king and house of lords. Both legal and judicial power rested in them, not in the house of commons, "not known or heard of till punier times than these." A government thus assailed, and repeatedly termed "New Insanum Parliamentum of Novices . . . being more than Bedlam mad," in such controversial times would not hesitate to respond to its antagonist. The Council of State on October 17 ordered that five hundred copies of the reply by Hall, who had been employed at £100 a year to answer pamphlets attacking the Commonwealth,[3] to Prynne's tracts be printed in Latin at the expense of the Council.[4]

From his home in Swainswick, Prynne not only continued his verbal attacks upon the government,[5] but actively worked for its overthrow. How large a share his was in the plot of 1650 to restore Charles II

[3] *Cal. S. P. Dom. Car. I, 1649–1650*, p. 139. [4] *Ibid.*, p. 345.

[5] The tracts were: *Arraignment, Conviction, Etc. of the Westministerian Juncto's Engagement; New Babell's Confusion*; and *Brief Apology for All Non-Subscribers of the New Engagement;* the first two in 1649, the last in 1650.

is not known, but it evidently was not negligible. From the facts that the people of Somersetshire had sent a messenger to the king to assure him of their loyalty,[6] and that the southern counties met in February, 1650, to plan for his return, clearly Prynne lived in an atmosphere of intrigue. Further, his brother-in-law had gone to Breda to offer Prynne's help, and had been overheard telling Charles II "what service his brother Prin was both able and willing to give." Prynne also had received a letter from his monarch inviting him to Scotland.[7]

So close a watch was the Council of State keeping on the movements of Charles II that it is probable that they knew of the Presbyterian intrigues and suspected Prynne of doing more in Swainswick than being a gentleman farmer. At any rate, it replied to his tracts and to the rumor of his royalist sympathies by ordering his arrest. Giving as cause his "seditious writings and practisings against the Commonwealth," a charge which implies knowledge of plots, the Council on June 25, 1650, issued a warrant for his imprisonment in Dunster Castle. His writings and papers in his chambers in Lincoln's Inn were to be brought to Whitehall. No one was to have conference with him alone.[8] Accordingly on the evening of June 30 a party of horsemen surrounded Prynne's house in Swainswick. After searching the house and taking records, papers, and books, they seized Prynne, inflicting upon

[6] Hist. MSS. Comm., *13th Report*, MSS. of Sir W. Fitzherbert, Part I, Vol. 1, 509.

[7] *Nicholas Papers* (Camden Society Publications), 1, 186.

[8] Order Book of the Council of State, P. R. O. MS. 1149.

him the further indignity of marching through Bristol with trumpets sounding.[9]

Dunster Castle, though it had "good Ayr and prospect," was to prove an extremely uncomfortable abode. The dwelling house as well as the castle walls was being torn down by "300 Pioneers"; further bodily discomfort was provided by the fact that there was no meat "to be had dressed, but at great distance from the Castle; which is very chargeable and inconvenient to a close Prisoner." No minister was settled in castle or town "to comfort or feed the soul," while the chaplain of the soldiers was "a late beardlesse apprentice . . . understanding neither Latin nor Law; unable to write true English." Prynne and his servant were constantly watched by their guards, who, Polonius-like, hid behind the hangings of his chamber or searched their clothing; the servant, too, was closely interrogated as to his master's activities. Such constant surveillance hints that more was at stake than the mewing of an acrimonious scribbler, especially when it is borne in mind that his sister, Mrs. Clarke, was not allowed to see him save for a quarter of an hour, then in the presence of "Eavesdroppers," though she had made a long journey in the winter and had been forced to wait a day and a night; and that his laundress in London and a brother-in-law, George Gear, also had been imprisoned.

That Prynne was in close enough touch with the outside world to know of the war between the

[9] The following account of the imprisonment is from Prynne's *New Discovery of Free-State Tyranny* (London, 1655).

Scots, led by Charles II, and Cromwell's army is shown in his only tract of the period, *Sad and Serious Considerations touching the Invasive War against Our Presbyterian Brethren of Scotland*. He soon found a congenial occupation, however, in the muniment room of the castle, whose owner, George Luttrell, allowed him the freedom thereof; a courtesy which Prynne repaid by making a careful catalogue of the "early deeds and rolls" preserved there.[10] Even the delight of working among his beloved "antiquities," however, could not make him forget the irksomeness of his restraint. In wrath he wrote to Bradshaw, asking that, since the Council insisted on imprisoning him "against Law and Conscience," they should pay the charges of his confinement or else cause the treasurers of the bishops' lands immediately to pay him the £8000 salary due him "on contract," of which he had never yet received "one cue," and which he should not have asked for but for this "extraordinary occasion of expense." Prynne, though supposedly barred from the use of pen, communicated again with London. In January a mysterious book sent to him from Luttrell troubled the Council.[11] And when in March the Council received affirmation of their suspicions in the confessions of Thomas Coke, a royalist agent, about Prynne's negotiations with Charles I, while in the Isle of Wight, and with Charles II,[12] and when in May it became evident that Prynne was in correspondence with the enemy, the Council felt that

[10] Hist. MSS. Comm., *1st Report*, Verulam MSS. p. 56.
[11] *Cal. S. P. Dom. Car. II, 1651*, p. 3.
[12] *Nicholas Papers*, I, 237.

this firebrand must forthwith be removed to a more secure prison, where he could not correspond with the enemy,[13] for it was feared that Somerset might be invaded.[14]

Prynne, "tossed up and down like a tennis baill . . . from one castle and illegal prison to another," was taken on June 21 to Taunton. On his arrival he was kept a close prisoner in Lamb Tavern, near the Castle. His short stay here was enlivened by a controversy. Being now very near a church, he asked permission of the governor to go to worship. The governor peremptorily refused; Prynne then begged leave to send a note to the church, asking that the prayers of the congregation might be made for his restitution "to God's Ordinance and his just Christian and Civil Liberty." He was then permitted to go to church, but with a lieutenant as guard.

Even under the supervision of two guards, the Council distrusted this firebrand of England. On June 21 it was ordered that he be removed to Pendennis Castle in Cornwall.[15] Prynne declared that he was taken from Taunton because he had "some acquaintance and good accommodation for soul and body, and was nearer his friends than before." After barely a week's imprisonment at Taunton, he was mounted against his will upon a trooper's horse for his journey to Pendennis Castle.

An experience of Prynne's during this journey is of interest, not only because it is characteristic of the

[13] *Cal. S. P. Dom. Car. II, 1651*, pp. 208, 210.
[14] *Letter Book of the Council of State*, S. P. 25/96, P. R. O.
[15] *Cal. S. P. Dom. Car. II, 1651*, p. 263.

time, but because it inspired him to write *The Signal Loyalty and Devotion of God's True Saints and Pious Christians towards Their Kings*. On the first Sunday in July, 1651, as he rested in Launceston, Cornwall, Prynne and six troopers went to the parish church. The preacher, formerly of New England, mangled the Scriptures in his sermon to prove divine approbation on republics. Discoursing thereon after the service, Prynne pointed out to the troopers that they might now see the sad results of abolishing kingship, for the "New Republican Grandees" had become so powerful that not only the common people, but the ministers of the gospel at such a great distance from London as Cornwall, feared them more than God. This encounter led him to collect "Scriptures and Antiquities" to prove the loyalty of the godly to their kings.

Though the Council of State had ordered that Prynne was to have "the liberty of the Castle and a good lodging and fair usage,"[16] the doughty pamphleteer complained vigorously of the discomfort of his new quarters. Because all lodgings were filled by gentlemen formerly in arms against the Commonwealth, Prynne was imprisoned in a room over the main court of the guard. So noisy were the soldiers that Prynne was unable to sleep even six hours a day, with the result that his eyesight was greatly impaired and, an equal calamity, his studies and devotions were disturbed by the tumult. Besides the marshal and his servant, a sentinel constantly watched Prynne. And

[16] *Cal. S. P. Dom. Car. II, 1651–1652*, p. 224.

so suspicious were they of the defiant pamphleteer that when, with herbs gathered in the castle fields and made into salves and unguents, he healed poor people and lame soldiers, notably two "Fisher-men," nearly five years galley slaves in Turkey, the unchristian governor of the castle immediately suspected plots and refused the suffering any access to Prynne unless they had taken the Engagement, swearing loyalty to the present government and repudiating kingship. Despite the closeness of the watch kept over Prynne, he succeeded in getting a letter to the Council in London, in protest against his treatment. So angered was the governor of the castle that he kept his unruly prisoner even more closely confined. Under this restraint Prynne's health became so impaired that he could eat barely a leg or wing of chicken, no mutton or veal, and but a little broth. In the chill dampness of the castle he suffered so that he protested that what he had endured under the Court of Star Chamber had been slight in comparison with the indignities and extreme physical discomfort now experienced.[17]

Meanwhile Prynne's friends in London and his sister had been petitioning for his release. Probably because royalist plots seemed to be checked, early in February, 1653, the Council of State decreed that if Prynne would give bond of £1000 not to act "to the prejudice of the Commonwealth and the present government thereof" he should be discharged from

[17] Letter to Desborow, 1652, Harl. MSS. 980.468. This letter adds a few details to the account in *New Discovery of Free-State Tyranny*.

prison. Prynne stoutly refused to make such a promise. In a letter to a member of the government he declared his firm determination rather to die a prisoner than to live a bondman. Finally the Council, on February 18, ordered that if there were no other charge against him than the one in the order for committal he should be freed.[18] After over two years and eight months of imprisonment, Prynne then returned to Swainswick.

The so-called Barebones Parliament — "upstart legifers" Prynne termed them — next felt the force of his wrath. Tithes, which it had abolished as a relic of Judaism, were defended stoutly by him in two pamphlets, in 1653 and 1654, with such characteristic titles as *A Gospel Plea* (*Interwoven with a Rational and Legal*) and *Jus Patronatus*. A further departure from precedent in laying a tax upon hops in 1654 roused him to defiance. Instead of paying the excise, he propounded precedents to the sub-collector to prove the illegality. Because Prynne had had "losses in his establishment," and because his crop of hops was small, the exciseman freed him from paying the tax. With the irritating knowledge that the buyer of his hops would be forced to pay the impost, Prynne went, as was his morning custom, to the Lecture at Bath to listen to the sermon.[19]

[18] *Cal. S. P. Dom. Car. II, 1652–1653*, p. 138.

[19] In *A Declaration and Protestation against the Illegal Detestable, Oft-Condemned New Tax and Extortion of Excise in Particular* (London, 1654) Prynne recounted his experience and rehearsed the arguments against the impost.

In the fall of 1654, shortly after this encounter, Prynne returned to his chambers in Lincoln's Inn. His activity as a Bencher and his writing did not remove from his memory the unjust imprisonment of 1650–1653. Early in December he wrote to Bradshaw to ask for a meeting to learn why he had been thus imprisoned. The following day, December 6, he received an appointment for a conference the next Saturday. After two hours' discourse the councillor was unable to answer Prynne's arguments or to prove the justness of his imprisonment, but he promised to search for the charges made against him.[20]

Stripped of the illusion of the early 1640's, that Parliament had sufficient power to protect men's liberties, Prynne now glorified law. In *Seasonable, Legall, and Historicall Vindication and Chronological Collection of the Good Old Fundamentall Liberties of All English Freemen*, he declared the importance of fundamental law:

> It is an universal received Principle and experimental truth . . . That no natural structure, no artificial building, no Civil or Ecclesiastical Corporation, Realm, Reipublike, Government, or Society of Men; no Art or Science whatsoever can possibly be erected . . . established, preserved, or continued in their being or well being, without Foundations.

Indeed, he here asserted the sovereignty of law: "Lawes whereby all parts of a Kingdome are preserved should be very vaine and defective if they had

[20] Prynne, *New Discovery of Free-State Tyranny*.

not a Power to secure and preserve themselves." The recent history of England had shown the frailty of representative institutions. The dissolution of the Rump by Cromwell; the revolutionary and harebrained policies of the Barebones Parliament of 1653; the new constitution drawn up by the army officers which made Cromwell Protector; and the irresponsible character of his first Parliament, with its summary dismissal, had proven, more than the thumbing of pages of history could, the results of flouting institutions based on law.

Not only did the power of Cromwell threaten the liberties of Englishmen; another menace, the increasing number of Quakers, "anti-magistricall as well as anti-ministeriall," threatened evil to the state. Sent from Rome, Prynne declared, to seduce the fickle English, they were plotting with the Jesuits to encompass the downfall of Protestantism. To accomplish their end of creating anarchy in an already distraught nation, they used "Inchanted Potions, Bracelets, Ribbons, Sorcery, and Witchcraft." "It is the observation of many learned intelligent Protestants who have most pried into the opinions and Practices of all our late new Sects," Prynne declared, "that their Books, Writings, Speakings, Preachings, Practices, are interlarded and mixed with some Jesuiticall and Popish Tenents, Opinions, Ceremonies, and Practices; by which we may as visibly discover a Jesuit, a Popish Priest, or Freer in them as we may a Lion by his paw." The oath of George Cowlishaw, a Bristol ironmonger, was printed by this

gullible Quaker-worrier, to prove that there actually was a new popish plot.[21] Still another jesuitical intrigue, directed by an Irish Franciscan who had come into England under Cromwell's "pass and protection" disguised as a Spanish captain, was exposed by Prynne. His publication of "some of the very Originals of the Plot," carefully attested, led to the imprisonment of the plotter, Maurice Conry, but Conry was released after two years.[22]

Life at this time, except for the writing of fiery pamphlets and for duties as a Bencher of Lincoln's Inn, must have been leisurely. An interesting picture of Prynne is left in the preface to *A Short Demurrer to the Jewes Long Discontinued Remitter into England*. On December 7, 1655, he left his chambers to walk to Westminster. That the preceding day had been not only an official fast day, but also the anniversary of the arrest of the moderate members in 1648, had impressed him, ever watchful as he was for portents and alarms, so that he planned to visit some of his then fellow prisoners and to acquaint them with this remarkable coincidence. In Martin's Lane he unexpectedly met Sir John Clotworthy, one of the imprisoned moderates, who was walking with Lady Clotworthy. On Sir John's saluting him, Prynne told him "of the aforesaid adorable Providence, in appointing the former days Fast on that day seven

[21] The pamphlets are: *The Quakers Unmasked*, 1655; and *New Discovery of Some Romish Emissaries, Quakers, as Likewise of Some Popish Errors Unadvisedly Embraced, Pursued by Our Anti-Communion Ministers*, 1656. Prynne's malicious spirit and gullibility were exposed in W. G., *Truth Triumphing* (London, 1664).

[22] Prynne, *True and Perfect Narrative*, p. 45.

years whereon we were seized"; Sir John agreed that it was most miraculous. As they walked, they encountered Colonel Pride, who it will be recalled had conducted this expulsion. Sir John greeted him with the pleasantry, "Fellow Pride, remember this Day seven yeers!" At Westminster Hall Prynne conversed with many of his friends, who were much affected, he declared, at this coincidence.

On his way home he received the inspiration to write the *Short Demurrer*. By the garden wall at Whitehall, Philip Nye, the Independent minister, overtook Prynne and asked if there were any law against bringing in Jews. The lawyers, he explained, had declared that there was none. Prynne replied that the Jews, having been banished in 1290 by edict of Parliament, could not be brought in again without a special act. "I wish that it might not be done otherwise," lamented Nye, "and that this Business had been formerly moved in the Bishops' time than now." It was an ill time to bring in Jews, Prynne opined, when people were so easily led to apostasy and all sorts of heresies.

As Prynne walked on, meditating upon the problem, the very passers-by confirmed him in his idea that the Jews should not return. On his way through Lincoln's Inn Fields seven or eight maimed soldiers begged of Prynne and, by another coincidence, declared to each other, "We must all turn Jews; there will be nothing left for the poor." The pathetic fate of the penniless soldiers touched Prynne, who was in the mood, one feels, to be impressed by the victims of

Cromwellian tyranny — and therefore able to forget that such poverty was the common fate of soldiers. Before he could take his rest that night, with philanthropic and scholarly zeal he perused "most of the passages in English histories concerning Jews[']carriage in England." Within seven days he had written the first part of *A Short Demurrer to the Jewes Long Discontinued Remitter into England*. At the final meeting of the committee for this matter, on December 18, Prynne's pamphlet was in the hands of many. The meeting, which began in a tolerant spirit, ended as a demonstration against their admission. Prynne's tract, with its picturing of the Jews as a people of extraordinary viciousness, coin-clippers, murderers of infants, was responsible for arousing this violently anti-Semitic spirit. As a result, the venerable Manasseh Ben Israel, with a number of Jews who had come to England in the hope of being allowed to stay, was forced to return to the continent.[23]

The Humble Petition and Advice, which urged Cromwell to assume the kingship, aroused Prynne to retort with a daring tract, *King Richard the Third Revived*. With unusual canniness he did not mention Cromwell's name, but he had no need to do so. A petition to Richard, similar to that offered to Cromwell, with a recitation of the murders committed by this ambitious man, was followed by a quotation from Ecclesiastes: "That which hath been is now, and that which is to be hath already been; and God requireth

[23] Lucien Wolf, *Manasseh Ben Israel's Mission to Oliver Cromwell* (London, 1901), p. lvii.

that which is driven away." No doubt could exist in the reader's mind that Prynne was predicting the fate of Richard III for Cromwell; neither could there be any question as to the identity of "that which is driven away." Prynne's antiquarian zeal did not languish, absorbed as he was in politics; in this year (1657) appeared an abstract of Cotton's *Records of the Tower*,[24] which, a hostile critic informs us, sold at a very high rate.[25] The disuse of the Book of Common Prayer, which was "never so necessary to be revived as now," and the infrequent administration of the Eucharist were bewailed in two pamphlets.[26]

How deeply Prynne was involved in the royalist uprising of 1658 is unknown. John Hewit, a cleric and principal agent of the plot, with several others, was captured and found guilty of treason. Throughout, this man displayed a knowledge of law which astonished his judges.[27] His refusal to recognize the authority of the court and to plead seems to show Prynne's advice, for such behavior was typical of that doughty lawyer, but, we are informed by Clarendon, this defiance of the court resulted in his being found guilty of treason.[28] A year later Prynne recalled to men's minds the martyrdom of this clergyman in a pamphlet summarizing his arguments, *Beheaded Dr. John Hewyt's Ghost Pleading for Justice.*

[24] *Exact Abridgement of Records of Tower of London from the Reign of Edward II unto King Richard III.*

[25] Hist. MSS. Comm., *5th Report*, p. 177.

[26] *The Lords Supper Briefly Vindicated* and *A Seasonable Vindication of Free Admission to and Frequent Administrations of the Holy Communion.*

[27] *State Trials*, v, 887.

[28] Earl of Clarendon, *History of the Rebellion*, vi, 66.

Again during 1658 Prynne attacked the Protectorate. In three tracts he demanded elections for Parliament and reëstablishment of England's historical government.[29] How deeply the problems of state were weighing upon his mind is seen in a dream which he solemnly related in a later pamphlet. In the evening of September 2 Prynne dreamed that Cromwell sent a special messenger to him, "importunely desiring he would presently repair to Bath, for he was very sick and desired much to speak with him." Prynne complied with his request and found him very ill. Cromwell asked him what he should do. The pamphleteer with his characteristic fearlessness declared that he should restore Charles II, call together the Long Parliament, and return to the people the laws, liberties, and properties of which he had defrauded them. The following morning Prynne recounted his dream to his sister and sundry others, who were greatly astonished when they later learned that Cromwell died twelve hours after the vision. In November Prynne bestowed the advice which he had given Cromwell upon his son and successor, Richard, in *Probable Expedient for Present and Future Publique Settlement.*

The end of Oliver Cromwell's Protectorate marked the removal from England of the only successful substitute for the Stuart monarchy. With the departure of the leader of the extra-legal party, moderate-minded men were now free to come from the retire-

[29] *The Subjection of All Traytors . . . In Ireland . . . to the Laws and Statutes . . . of England; Twelve Serious Questions; Twelve Several Heads of Public Grievances.*

ment of the past ten years and use their influence for the restoration of the legitimate king. Prynne's zealous pamphleteering had kept before men's eyes the illegality of government without king and Parliament, and had indeed won for him the title which he proudly claimed — that of *Tyrannomastix*.

VI. PRYNNE AND THE RESTORATION (1658–1660)

He sees Mr. Prin take a great deal of pain
To get in with the rest as member again.

THE events of Prynne's life from Cromwell's death in September, 1658, to the return of Charles II in May, 1660, may be regarded as the climax of his activities as a publicist and parliamentarian. Hitherto, except for the brief but eventful month in the house of commons in 1648, Prynne had been forced to confine his great knowledge of public affairs and his tremendous zeal to pamphleteering. In this period we see him, first by his fearless writings, and later even more by his speeches in the house of commons, moulding the history of his time. Prynne as an individual stands out clearly during this phase of his career. The value of a study of these critical years, however, lies in the contribution which Prynne made to the peaceful restoration of Charles II, in which he as much as Monk deserves to be known as loosing England from "those real bonds false freedom did impose."

The inactivity with which the year 1659 began for Prynne was broken on May 5 by an incident which was to provide him with material for forceful pamphlets and which was also significant of the temper of

both moderates and radicals. Richard Cromwell's rule proving ineffectual, the Council of Officers, "for settling the peace and freedom of this Commonwealth," on that day urged the return of the members of the Long Parliament, who had sat from December 6, 1648, to 1653. The following day as Prynne was walking to Westminster Hall he met some secluded members. They showed him the declaration of the army, made in such haste that it was wrongly dated. Prynne immediately determined, if he could enter the house, to send for the other members. Sir George Booth, Sir John Clotworthy, and others with Prynne resolved to prevent "the mischiefs of a surreptitious pack'd Parliament" by taking their rightful place along with the Rump in the house.[1] With much ado they entered the lobby, but could go no further.[2] As they departed, they met Major General Lambert, who, evidently in response to their question, replied that "things now were in a Hurry, and their entering at this time might cause some Disturbance, but undoubtedly some course would be taken by Officers of the Army in a few days that none should be forcibly excluded." [3]

Suspicious of Lambert's sincerity, the undaunted members decided to meet that evening under Lincoln's Inn Chapel. At this conference they found that there were about eighty members, once secluded, now in London and Westminster, nearly double the number of those who had sat that day. These mem-

[1] Prynne, *Loyalty Banished* (London, 1659), pp. 3 f.
[2] *Nicholas Papers*, IV, 134.
[3] *Old Parliamentary History*, XXI, 392.

bers, they thought, ought in justice to be summoned. After making a list of all surviving members, they parted, to meet again Monday morning at nine o'clock at Westminster Hall.

Accordingly, on that morning, hearing that there were no guards upon the house, Prynne and two companions went, and were admitted. On their entrance evidently only Prynne cared to stay; for, in *England's Confusion*, he related: "Mr. Prynne continued still there, and resolved to do so, since he saw there was force again upon the House." Sir Henry Vane spoke menacingly to him:

> Mr. Prynne, why make you here? You ought not to come into this House being formerly voted out. I wish you as a friend freely to depart hence, else some course will be presently taken with you for your presumption.

Sir Arthur Haslerig seconded Vane, telling Prynne that if he refused to leave "there would be speedy course taken, and a charge put in against him, for his meetings on Saturday, and actings against the House." To them Prynne stoutly replied that he expected to make it evident that they were "the greater Infringers of their Truste, and more worthy to be voted out than himself." The doughty intruder continuing in his place, the Rump in desperation went to dinner, to sit again in the afternoon. The pretext given was that the speaker had some business he needs must do at once.[4]

[4] Samuel Butler, in *Acts and Monuments of Our Late Parliament* (London, 1659), declared that the house in its motion to adjourn also ordered "that Mr. Prynne should come no more there, for he was too wise and too honest to be in that place."

Prynne, suspecting this to be a ruse to rid the house of him, remained until all of the members had left. He then informed some secluded members who were waiting for him of these events, and they determined to send a letter of protest.

Immediately after dinner Prynne returned to Westminster, stoutly determined to enter, but if secluded to protest vigorously. The troop of horse in the yard had been supplemented by a company of foot on the stairs. His decision to enter the house with the speaker was baffled by the strategy of Lenthall, who went in the back way without the mace. Prynne then demanded entrance of the soldiers, who, not recognizing him, let him pass through their pikes. At the door several army officers informed him that they had a special order to keep him out. He thereupon protested at this second seclusion as a breach of privilege, "a worse and more real levying of war against the Parliament then the beheaded King or his Party were guilty of." [5] The Rump then proceeded to vote that "such persons heretofore members of this Parliament as have not sate in this Parliament since the year 1648 and have not subscribed the Engagement in the Roll of Engagement in this House, shall not sit in this House till further order of Parliament."[6] Prynne and his fellows, deeming this time unpropitious for further protest, resolved to let the matter drop.[7]

[5] Prynne has left three accounts: *Loyalty Banished; True and Perfect Narrative*; and *England's Confusion.*

[6] Cobbett, *Parliamentary History*, III, 1550.

[7] James Heath, *A Brief Chronicle of Civil Wars of England* (London, 1664), p. 749.

Though the attempts of the secluded members were unsuccessful, they cannot be disregarded. They revealed a tendency among the moderates to work together again, after their separation of ten years. Prynne became even more outspoken in his denunciations of Rump and army; in five pamphlets in May and another in June he denounced their illegality and republicanism.[8] *New Cheaters Forgeries Detected and Disclaimed* is typical of these disclosures of perfidy. Through the force of such pamphlets the tyranny of the army clique was exposed as greater than that of Charles I. The fact that Prynne was not imprisoned for such severe attacks, in spite of threats, showed that the power of the radical party was weakening.

Inevitably, though, the pens of Prynne's enemies busied themselves against him. Many of the pamphlets attacking him limited themselves to combating his arguments. Others were written in a vein of satire. *The Character or Ear-Marke of Mr. William Prynne* was an exposure of that factiousness of his which tended to make him "diametrically opposite to whatsoever is called the present power," as well as of his "scurrilities and absurdities." The inquisitor in *Forty-Four Queries* demanded "whether it would not be a great happiness to our English nation if Prynne might but come once to shake hands with his ears?" A broadside was entitled *The Humble Petition of the*

[8] *The True Good Old Cause Rightly Stated and the False Uncased* and *The Republicans and Other Spurious Good Old Cause Briefly and Truly Anatomized* appeared on May 13, to be followed by *A True and Perfect Narrative; England's Confusion: Or, A True and Impartial Relation of the Present Actings at Westminster*, supplemented in June by *Loyalty Banish'd; Or, England in Mourning.*

Peaceable and Well Affected People of the Said Three Nations against Prynne.

Old and staunch supporters of Charles II welcomed Prynne as one of them. "Even Mr. Prynne bears a hegher sayle and asserts in printe ye good old cause of King and Parliament with defiance to ye usurper," wrote an enthusiast.[9] Plots to restore the king seemed less hopeless. Prynne's zeal was now making full satisfaction for "former erratas," royalists declared: "His quill doth best present right to our Eyes and, though his eares are lost, he heares now very well and speakes more loyalty to a general reception than any other." [10]

A recognition of Prynne's service to the king came on August 12 in *Interest Will Not Lie: Or, A View of England's True Interest*, by Marchamont Needham, his old antagonist. Prynne and other secluded members, Needham charged, were plotting to bring in the king under terms which would ruin the "Cause": Prynne by his efforts to fill Parliament with the army's enemies had been especially diligent as a royalist tool. Prynne received this pamphlet while he was resting in Swainswick. He immediately wrote an answer, *A Brief Necessary Vindication of the Old and New Secluded Members from the False and Malicious Calumnies*, in which Needham and another pam-

[9] *Nicholas Papers*, IV, 130.

[10] *Ibid.*, p. 157. Other pamphlets of this period were: *Ten Considerable Queries concerning Tithes*, primarily an attack on the ecclesiastical policy of the Rump, but with a few sly hints about its illegality; and *Concordia Discors: Or, The Dissonant Harmony of Sacred Publique Oathes Lately Taken by Many Time-Serving Officers*, a recital of the conflicting oaths taken by the radicals.

phleteer, John Rogers, were soundly trounced. Parliament, he claimed, had been dissolved by the death of Charles I, and its decrees therefore were not binding. Only the reëstablishment of the monarchy, he predicted, would free England from its sad anarchy.

Divisions now appeared in the radical party. Lambert, self-confident and ambitious after his easy defeat of the Chester royalists, led by Sir George Booth, returned to London. In his eagerness to become general, a position which it was said Cromwell had promised to him, he influenced the officers to sign a petition that a commander be appointed over the army. The Rump, eager to keep control in its own hands, for Lenthall as speaker was also "Lord General of the Army," denied that there was any need for a general other than Lenthall, and voted that to have any more officers than already existed was "useless, chargeable, and dangerous to the Commonwealth." The reply of the army officers was the dissolution of Parliament.[11] While it was realized by such men as Ludlow that the army could not exist without being paid, provision for which Parliament alone could make,[12] the officers proceeded to make Fleetwood commander in chief and to govern England.

In November, Prynne sent forth a tract of advice, *A Short, Legal, Medicinal, Useful, Easy, Safe Prescription to Recover Our Kingdom, Church, Nation, from Their Present Dangerous, Distractive, Destruc-*

[11] The account of this period by J. G. Muddiman, *The King's Journalist* (London, 1923), pp. 66 f., based on pamphlet literature, is extremely illuminating.

[12] Edmund Ludlow, *Memoirs* (Oxford, 1894), II, 145–146.

tive Confusion: and Worse then Bedlam Madness. The "three publick revolutions of our government," he declared, proved the incapability of the army. He urged the ancient nobility to meet and issue writs for a new election. A Parliament should convene in the following January; the security of the state should be established by the restoration of Charles II.

While Prynne wrote fervent pamphlets and the royalists corresponded diligently, the remnant of Parliament temporarily won the day. The army and the fleet in December declared for the Rump. On the evening of December 26 the Rump again met. The mace carried before them, Whitelocke recorded, the members marched amid the cheers of the people from Whitehall to Westminster Hall.[13] Prynne, it must be noted, disagreed with this account; according to him, the members suddenly stole into the house by night, without new summons or notice of their sitting, and placed armed guards for their defence.[14]

The following day twenty-one of the secluded members, including Prynne, Sir William Waller, and Sir John Evelyn, met at the lobby of the house to protest against their continued exclusion. Francis Bacon, coming alone to demand his right, was excluded before they came. The Rump had placed guards with instructions that the secluded members be permitted no access even to the lobby. Despite their repeated demands and protests, these moderate members were forced to content themselves with a

[13] Whitelocke, *Memorials*, IV, 384.
[14] Prynne, *Six Important Quaeries to the Resitting Rump.*

message that the question of the absent members would be considered on January 1.[15] Such a reply, however, because they were "present, not absent members," they regarded as a "disdainful affront" and "a meer dilatory cheat." [16] Their attempt to enter, though it was unsuccessful, Lord Chancellor Hyde regarded as an act of great courage and significance. "So many men of great sobriety and of very great fortunes," he further opined, "would not have ventured so far, except they were sure to be supported." [17]

Though the Rump and army seemingly controlled affairs, they had overlooked General Monk, commander of the English forces in Scotland. Easily the most able man, since the death of Oliver Cromwell, he had deserted the Independent party. Lambert's army, though still loyal to the Rump, was growing weaker.[18] The remnant of Parliament, however, maintained its attitude of defiance of the king and of the secluded members.[19]

Monk, who declared that he sought nothing but the peace of the commonwealth, in January began his march south. Under the seeming calm men plotted with and against each other. "There never was more difficulty," wrote Lord Chancellor Hyde on January 10, "in continuing my diurnal of the affairs of England than the present, and I believe that if you did at

[15] Prynne, *Brief Narrative.*
[16] Prynne, *Six Important Quaeries.*
[17] *Clarendon State Papers*, III, 647.
[18] *Ibid.*, p. 636.
[19] Whitelocke, *Memorials*, IV, 386–387.

this instant receive twenty letters from London, you would receive so many several opinions of the state of affairs there." [20] Among the pamphleteers who urged the restoration of Charles II, Prynne had as usual a prominent part with his eight pamphlets. So daring did he become that the Council on February 7 ordered that his books be perused.[21] Additional proof of his importance is seen in the published letter of a certain "H. N.," on January 29, who urged General Monk to read Prynne's book, *Case of the Secluded Members Vindicated.* Then, declared the writer, the general would realize that the way to reëstablish peace in England would be by the formation of a council of fifteen members, of six secluded members, six Independents, and three "moderate" men, who should serve as umpires. This should be followed by the passing of an act of oblivion and indemnity.[22]

The secluded members, not content with verbal protests, now took a bold step, though a legal one. Sir Gilbert Gerard, member for the shire of Middlesex, during Hilary Term (January 11–31) brought suit against Allured, Okey, and a doorkeeper for assaulting him and keeping him by force of arms out of the house of commons; "a presentment and indictment," indeed, was duly found by the grand jury of Middlesex "in the Upper Bench at Westminster." Though the Rump succeeded in checking the prosecution, even such a staunch Independent as Ludlow declared that it showed the increased confidence of the

[20] *Clarendon State Papers*, III, 641.
[21] *Cal. S. P. Dom. Car. II, 1659–1660*, p. 348.
[22] H. N., *Letter to General Monck* (London, 1660).

secluded members.[23] Prynne published an account of the case as a broadside.

Another instance of Prynne's importance as a journalist is the story of the petitioning watermen. Some boatmen on the Thames, not members of the guild of watermen, hoped to increase their business by becoming watermen to the state, by which they would be free from danger of impressment; they therefore prepared a petition to the Rump "without King, Protector, or House of Lords." The marks of several thousands, who were in reality royalists, were secured by the claim that the petition was directed against hackney coaches, which were then coming into use. This petition was presented to the house by Colonel Nathaniel Whetham.[24]

When the delegation went to Parliament to receive their answer, they discovered, much to their chagrin, that they had been hoodwinked into abjuring the king. Indignant, they appealed to Prynne to write them a new petition. He thereupon prepared a manifesto and a *Hue and Cry after Colonel Whitton*, which were signed by some ten thousand watermen.[25] So successful were the worthy boatmen in their effort to "undeceive the world" that even Pepys on his way to the Temple on February 2, 1660, heard of it.[26]

Early in February, nevertheless, the future looked dark for the royalist cause. Though many counties

[23] Ludlow, *Memoirs*, II, 232.

[24] F. C. and W. C. D. Whetham, *Life of Colonel Whetham* (London, 1907), pp. 202–203.

[25] Muddiman, *The King's Journalist*, pp. 97–98.

[26] Samuel Pepys, *Diary*, February 2, 1660.

had demanded a free Parliament, most of the gentlemen who came to London with their petitions and declarations were imprisoned. In spite of this policy of terrorization adopted by the radical party, Prynne continued to attack the government. The darkness lifted a bit when rumors began to float about that Monk was not aligning himself with the Rump. Indeed, at his quarters on February 14 there began the series of consultations between secluded members and the more amenable of the Rump which were finally to bring about the confusion of the radical party. The first conference, both as regarded the temper of the members and "positions held forth for settlement," proved so successful that Monk called another meeting.[27] On the evening of February 18 twelve of the secluded members met in the general's quarters with ten Independents.[28] Prynne, probably because of his fiery nature, unsuited as it was to deliberate intrigue, was not present. At this time, Whitelocke recorded, Monk's thoughts began to turn to the possibility of restoring Charles II. As the first step the secluded members were again to sit. Both Presbyterian and Cavalier were agreed that this was the way to bring in the king.[29] The articles of readmission were definite; the command of the armies of the three nations was to be settled upon Monk, a tax was to be raised for payment of the army and navy, and the house of commons, forbidden to call itself Parliament, was to

[27] *Clarke Papers*, IV, 264.

[28] White Kennett, *Register* (London, 1744), p. 61; *Mercurius Politicus*, p. 608.

[29] Whitelocke, *Memorials*, IV, 398.

sit for only eight days.[30] What happened thereafter would depend upon the choice of the people.

On February 18 the secluded members at several meetings agreed that they should take their places in the house on the next Tuesday.[31] When, late in the evening of the following day, the Council of State learned of this plan, they sent a message to Monk to demand that he prevent such reëntrance. Monk craftily answered that he was assured that no such thing was being planned, but for their satisfaction he would double the guard to prevent it if it should be attempted.[32]

In accordance with their plan, sixty of the secluded members, armed with swords, met on February 21. As soon as they were assembled, an order came from Monk to the captain of the guard, Anthony Ashley Cooper, to permit them to sit in the house as members. Prynne, with basket-hilt sword by his side, marched in first, and was greeted enthusiastically. Some perversity of fate seemed determined to prevent him from being an impressive figure in this entrance for which he had worked the past eleven years. His sword, "longer than ordinary," Aubrey describes it, and "old and rusty," tripped Sir William Waller and threw him down, amid great laughter. In spite of this unseemly interruption, Prynne gravely informed the speaker that they were come "as members lawfully chosen and illegally kept out," and took his place.[33]

[30] John Price, *Mystery and Method of His Majesty's Happy Restoration* (London, 1680), p. 772; *Clarendon State Papers*, III, 688.

[31] Whitelocke, *Memorials*, IV, 398. [32] Ludlow, *Memoirs*, II, 235.

[33] Pepys, *Diary*, February 21, 1660; Aubrey, *Brief Lives*, II, 175.

The other members, Pepys declared, knew nothing of their plans until they found them in the hall. The grim Independent, Edmund Ludlow, determined to give no countenance to the secluded members by sitting with them. Others, less dogged or more inquisitive, remained.[34] When it was evident that this entry was approved by the soldiers, many of the Independent leaders, including Haslerig, Scott, and Mildmay, hastily left, but the speaker and others remained.[35] About seventeen of them, many of whom were members of the Council of State, went to Monk. The adroit general tried to silence them by claiming that he had permitted the secluded members to enter "only to free himself from their importunities, and that he would take effectual care to prevent them from doing any harm in that place."

Unmindful of the flurry which their entrance had caused, the secluded members with great unanimity proceeded to make laws as they chose, a power, Ludlow satirically noted, which they had hitherto constantly denied to the house of commons alone.[36] They first repealed the order of their exclusion. Then in accordance with the articles of readmission they voted Monk general of the forces of the three kingdoms and granted a tax for paying the army.

A committee to decide about a new council of state, also a part of their program, included Prynne.[37] In connection with this council Pepys recounts an in-

[34] Ludlow, *Memoirs*, II, 236.
[35] Hist. MSS. Comm., MSS. of Marquis of Bath, II, 141.
[36] Ludlow, *Memoirs*, II, 236–237.
[37] *C. J.*, VII, 847.

teresting incident. Two days later this inimitable diarist was in Mrs. Mitchell's shop, where he "staid talking a great while with her and my chaplain Mr. Mumford, and drank a pot of ale on the wager Mr. Prin is not of the council." [38] If activity were the criterion, Prynne undoubtedly deserved a prominent place. It was obviously, however, Monk's policy to move slowly. In his scheme of things this firebrand of England must have seemed too violent a partisan; for as yet Monk had not declared for or against Charles II, but had insisted upon a free Parliament. What came after must depend upon popular opinion.

Perhaps to keep his pen from greater activity, Prynne was now placed on many committees.[39] He reported on February 22 what votes should be expunged from the journal of the house of commons. Among the many matters with which he busied himself was the problem of the church. The order that copies of the Covenant be "fairly drawn" and hung in every parish church in England shows the Presbyterianism of these new royalists.[40]

Writs for the new elections, and especially the form in which they should be issued, proved a problem. As great as was the current discussion as to who should rule England, — Charles, George (Monk), or Richard, — Pepys commented, was the dispute in the house in whose name the writs should run. Prynne distinguished himself by declaring that they should be in King Charles'.[41] He was on the losing side of this

[38] Pepys, *Diary*, February 23, 1660.
[39] *C. J.*, VII, 852–855.
[40] Ludlow, *Memoirs*, II, 246.
[41] Pepys, *Diary*, March 2, 1660.

argument, as he so often was, for the house voted that the writs be in the "names of the Keepers of the liberties of England by authority of Parliament." [42] So outspoken was Prynne's devotion to the Stuarts that a contemporary pamphleteer inquired "whether it be any wonder Prin stickles so boldly for the Family of Stuarts since he may do that for his ears, which another dare not for his life?" [43] Even writers who approved of Prynne's politics could not refrain from jeering at his unhappy experience on the pillory or his moralistic tendencies: one satirist illustrates this notably:

> Resolved, That Mr. William Prynn (provided he will forbear to set his and our sins before us) do sit in the house and return to his Recordership in the City of Bath.[44]

Prynne again displayed his Stuart sympathies on March 8, when the bill for the convening of Parliament on April 25 was read.[45] With an appeal to the Gentlemen of the Long Robe to answer his arguments, he spoke almost an hour in defence of the king and house of lords.[46] Indeed, he asserted the king's right so boldly that a contemporary declared that he should be called the Cato of his age.[47] Defying the Independents, he declared that Parliament had been dissolved upon the death of Charles I, and that if the

[42] *Parliamentary Intelligencer*, March 12–19, 1660.

[43] *Fanatique Queries Propos'd to the Present Asserters of the Good Old Cause* (London, 1660).

[44] *Several Resolves Prepar'd by the Commanding Junto to Pass the House* (London, 1660).

[45] Cobbett, *Parliamentary History*, III, 1583.

[46] *Memoirs of the Verney Family*, IV, 472.

[47] *Duke of Ormonde's Papers*, ed. Carte (London, 1739), II, 312.

others would not admit that, yet they were but a part of Parliament and could do nothing without king and house of lords. If the king must come in, he warned them, it were best for them that he should come in by the votes of those who had warred against his father.[48] Because of this ardent speech, he was sent for by General Monk and admonished. No record has been left of this encounter between the man of war and the man of words, but evidently it was made clear to Prynne that, despite Monk's favorable attitude toward the Restoration, he did not approve of Prynne's propensity to martyrdom and therefore advised him to be quiet.[49]

His zeal undaunted by this reproof, Prynne continued to write and speak. The secluded members, as they were spoken of by their contemporaries even after their return, feeling their position precarious because of the anti-royalist sympathies of the army officers, passed an act which put the army into the hands of their own party. The officers, alarmed, begged Monk not to let such an act come into effect. In a letter to Parliament, therefore, Monk asked the house that, because of "the disaffection of the commissioners nominated in the act," it should not be executed; otherwise, he feared, effort might be made to bring in Charles II. Some of the members, naturally enough, were perplexed, but others, including Prynne, understood his meaning. Prynne went to the

[48] Wood, *Athenae Oxoniensis*, III, 584.

[49] Price, *Mystery and Method of His Majesty's Happy Restoration*, p. 782. Another story is that Monk sent William Morrice to warn him (Muddiman, *The King's Journalist*, p. 83).

printer and arranged that the act be not made public.[50] The house of commons, not knowing of this crafty act, was troubled that the printer was so neglectful in his duty, and appointed a committee to investigate the delay. Prynne reported on March 16 that he and the other members had gone to the printer the night before; the fault, he cryptically explained, was in neither the clerk nor the printer, and "no delay in the one nor in the other." [51]

During the Protectorate, Prynne, because of his enmity to Cromwell, had lost his position as Recorder of Bath. Now, however, on March 15, fifteen of the corporation "in the name of all the rest" begged him to reassume his post and to be one of their burgesses in the next Parliament.[52] Another honor came at the end of March; Trinity House elected him along with General Monk and others an Elder Brother, and thus a member of the governing body of this great naval guild.[53] Henceforth Prynne was busied with affairs of the Admiralty.

His many activities did not lessen the vigor of his pen. On March 26 appeared cogent instructions how to "reëstablish the antient fundamental Regal government of this Kingdom." The advice was embodied in a broadside, *Seasonable and Healing Instructions Humbly Tendered to Free-Holders, Citizens, Burgesses . . . to be Seriously Recommended by Them to Their Respective Knights, Citizens, and Burgesses.*

[50] Ludlow, *Memoirs*, II, 248.
[51] *Perfect Diurnall*, No. 21, pp. 162–163.
[52] Prynne, *Brevia Parliamentaria Rediviva*, Part III, p. 330.
[53] C. R. B. Barrett, *Trinity House of Deptford Strond* (London, 1893), p. 85.

Prynne, he informs us with that legal detachment so characteristic of him, was now "solicited by Letters and Messages from Wells and seven other Cities and Boroughs to accept of a Burgeship by unanimous consent." He refused all except Bath. His grandfather, William Sherston, was five times member for Bath, a precedent which Prynne would not disregard. Ludgershall, however, was so determined to elect him that even after two letters of refusal and after his election for Bath, though there were "other competitours then stickling for the Place," the borough unanimously elected him.[54] Notification of his election by Bath came on March 31; Alexander Popham, it became known on April 5, was the other member.[55]

In the meantime, Charles II, acting upon Monk's suggestion, had left Spanish territory and had established himself at Breda. Here a messenger from the general, Sir John Granville, had received letters and, of more significance, the famous Declaration of Breda. This manifesto would settle the fears of Puritan and rebel: a general amnesty for offenders, except for those whom Parliament might except; liberty of conscience, again to be determined as to details by Parliament; the settlement of disputed property according to the legislature's will; the payment of arrears to soldiers by act of Parliament. Thus did Charles II acknowledge his dependence upon this body, at the same time that he left to it the solution of difficult controversial problems.

[54] Prynne, *Brevia Parliamentaria Rediviva*, Part III, p. 330.
[55] *Mercurius Publicus*, No. 116, p. 228.

Because of the vagueness of the Declaration, the Puritans, eager as they were for Charles' return, felt no little apprehension over the question of religion. "If it please God to work out this wonder . . . to bring home our Sweet Prince in peace," wrote Baillie on April 16, "the greatest pull will be about episcopacy." Half a dozen men of such spiritual integrity as Prynne, he deemed it expedient, should be "set about the reading of the books and pointing and drawing out the passages," so that within a fortnight a book against episcopacy might be prepared for Parliament's edification.[56] Hyde was, however, disposed to disregard the seriousness of the question.[57] He believed that the Presbyterians were as loyal to the church as to the king; though he was informed by a London correspondent that the pulpits thundered against the parliamentary election and its implications.[58]

The selection of an eminent Calvinist to preach the first sermon to the Convention Parliament may be regarded as significant of the temper of the house. Serjeant Glynne and Prynne were appointed by the house to thank the preacher, Dr. Reynolds, for his "great pains in the sermon." [59] The business of the Convention was, after such amenities had been observed and after the speaker, serjeant-at-arms, and clerk had been selected, complicated by the fact that such a Parliament, without king, was constitutionally unprecedented in their opinion, so that the members

[56] Baillie, *Letters and Journals*, III, 400.
[57] *Clarendon State Papers*, III, 720.
[58] *Ibid.*, p. 731. [59] *C. J.*, VIII, 1.

were hampered throughout by a sort of legal self-consciousness. In the first place, it was realized that, there having been no one to administer an oath at the door, anybody might have happened in; the watchful members thereupon determined that a roll call should be taken, whereby every person having answered to his name should go into another chamber. A day of thanksgiving for their great deliverance was next appointed. The form of a declaration, rather than of a proclamation, a legal distinction which smacks of Prynne, was adopted for their decrees: the style was, "The Lords and Commons assembled in Parliament do hereby order and declare, etc." The Council of State was declared dissolved, to be succeeded by a committee of lords and commoners.[60] With such preliminaries disposed of, the Convention was free to turn its attention to the important questions of revenue, the payment of the army, and so on. Prynne, as might be expected, busied himself zealously with committee duties.[61]

Prynne on May 2 wrote a letter to Charles II. In extravagant terms he expressed his joy for "the signal demonstrations of yo^r royall favour (both by letter and messages) towards such a despicable worm." He reminded the king that the very day after his father's "bloudy butchery" he had dispersed some hundreds of proclamations, a copy of which he now enclosed, throughout the kingdom in an effort to restore him to his hereditary governments, at a time

[60] S. P. Dom. Supp. 46/99. Minutes of the Convention.
[61] *C. J.*, VIII, 11 f.

when none else dared own his right. If God would prolong his "expiring life" sufficiently for him to behold His Majesty established on his throne, he would, he piously declared, like Simeon be content to sing his *Nunc Dimittis*. Meanwhile he would devote his prayers and efforts to the speedy accomplishment of the Restoration. With assurances of the people's loyalty to him "as their chiefest earthly security and felicity, and only soveraign balsom to cure all their festred wounds," this unique epistle ended.[62]

On May 8 the king was proclaimed with full ceremony. Accompanied by lords and commons in full state, heralds and trumpeters traversed Westminster and London. The lord mayor and aldermen met the procession at Temple Bar, with pomp admitting it into the city. As the company passed along the enthusiasm of the people became tremendous, so great indeed that their shouts drowned the sound of Bow Bells. The thirty-five great guns in the Tower were shot three times, each discharge being prefaced by that of sundry small guns. With such zeal did London greet the news of the return of its king.

The pomp of this ceremony, in which undoubtedly Prynne took part with dignity and enthusiasm, marks the end of this phase of his career. With astounding fearlessness in the face of the enmity of the officers and of Monk's crafty procrastination, he had asserted the right of Charles II. Many of his boldest pamphlets, it must be admitted, had been unsigned. *England's Confusion*, of May 30, 1659, had not borne

[62] Printed by C. H. Firth in *Notes and Queries*, 8th Series, VIII, 361.

its author's name, yet it was unmistakably his handiwork, for the doughty pamphleteer made no effort to conceal his style. Fear or discretion could not have been the cause of such anonymity. *Six Important Queries to the Re-Sitting Rump*, which appeared with his signature on December 30, 1659, as a broadside, was not less outspoken than *Ten Quaeries upon the Ten New Commandments of the General Council of the Officers of the Army*, an unsigned pamphlet which was published at the same time.

The creation of public opinion favorable to the restoration of the moderate party to the house of commons, effected though it had been by the military strength and the cunning of General Monk, had been the work of Prynne. By his bold denunciations in the continual stream of precedents and jeremiads he had laid bare both the folly and the illegality of the army's acts. In contrast to this "worse then Bedlam madness" the advantages of an hereditary monarchy, limited by Parliament, had been painted in glowing colors. Loyalty to the institution of kingship, rather than to the king, had underlain his actions. His reckless declaration of Charles' rights, his defiance of the Independents, had been, therefore, the more praiseworthy in that they were for the sake of an ideal. The faithfulness to the institution which had caused him to attack the prelates' encroachment upon the king's prerogative, the Independents' antimonarchical plots, and finally the rule of Oliver Cromwell, now led him to unflinching advocacy of Charles II.

Throughout his life Prynne had ever shown a strange ability to discover plots. On May 12 this seventeenth-century Sherlock Holmes revealed to the house the fact that £200,000 had been sent thither to "the factious party to enable them to keep out the king." He was made a member of a committee to investigate the conspiracy.[63] With this characteristic picture ends the chronicle of Prynne's activities before the Restoration. The great days of Puritanism closed here also: with the return of Charles II a new group of men who knew not Joseph came into power.

[63] Hist. MSS. Comm., *5th Report*, MSS. of the Duke of Sutherland, p. 207.

VII. MORE QUIET COURSES
(1660–1669)

Egyptian taskmaster of the Press,
And unmerciful Destroyer of Goosequills.

THOUGH Prynne had declared earlier in the year of 1660 that with the return of his monarch he would sing his *Nunc Dimittis* and quietly betake himself to oblivion, such was not to be the case. During these last nine years of his life, he did undoubtedly, as Heylin his ancient enemy admitted, begin "to look up at the last and settled upon more moderate and quiet courses." Nevertheless he continued to defend the liberties of England. His old enemies, arrogant prelacy, popery, excessive pleasure-seeking, felt his wrath as before, a wrath modified, however, by a loyalty to his monarch which prevented him from going to the excesses of his youth.

It is not to be wondered at that Prynne should have been among the most zealous against the Independents who had degraded the monarchy. In the Convention Parliament, which continued to sit for the first few weeks of the Restoration, Cavaliers were in the minority, for no one who had borne arms against Parliament since 1642 could be a member; the cleavage between Presbyterian and moderate, and Independent and radical, was therefore the more marked, though they had worked together to restore the king. It is not surprising then, in view of the past history of

Anthony Ashley Cooper as follower of Cromwell, that on June 2 Prynne "fell upon him" for agreeing to the Protectorate. He was seconded by Job Charlton, a young member, who too "was very violent against Sir Anthony." [1] And Prynne's many duties on more than sixty committees did not serve to take his mind from contemplation of Independent perfidy. In the question of exceptions to the Act of Oblivion he even more displayed his intense loyalty to the monarchy and his inability to compromise. On June 6 he brought in a clause to except all from pardon who had taken the oath at the Council of State for abjuring the Stuarts, and succeeded in having the clerk of the house read it without his being ordered to. Monk's brother-in-law, Clarges, put a stop to this extreme motion, which would have involved many of those prominent in the Restoration, notably Anthony Ashley Cooper and Bulstrode Whitelocke.[2] Undaunted, on August 17 he declared that he favored excepting all the army party. "If the other members were not all so," he maintained, "they themselves must be guilty of the king's blood, these being such horrid traitors as never yet were known." In the debates upon the Bill of Sales, he declared that no compensation should be made to those who had bought the king's lands except (and here his legalism asserted itself) in the case of ancient tenants who had bought lands to preserve their titles.[3]

[1] Hist. MSS. Comm., *5th Report*, Duke of Sutherland MSS., p. 205.

[2] Ludlow, *Memoirs*, II, 277–278; Cobbett, *Parliamentary History*, IV, 71 f.

[3] *Ibid.*, pp. 180–181.

On June 16 Prynne halted in his traitor-baiting to pay the respects of Bath to the new monarch. *Bathonia Rediviva*, "the humble address of the maior, aldermen, and citizens" to Charles II, declared the joy of Bath at the king's return. Admitted to the royal bedchamber in Whitehall, Prynne after a short speech read the address and delivered it "into the Royal hand." With his usual urbanity the king commanded him to return his most hearty thanks to the citizens, and to assure them on his behalf that he would on all occasions "most readily extend his Royal Favours toward them," the more, Prynne proudly added in his account, "for that they had freely chosen Mr. Prynne for one of their Citizens in this Parliament, who was so good a Friend to him and had done him and his whole Kingdom such good service." [4] While Prynne was basking in the royal presence, a far different scene was being enacted in Oxford. His books against the bishops were taken out of the library and huddled into an inconspicuous and unhonored place.[5] Thus Oxford avenged the visitation of 1648.

As Baillie had predicted early in the year, religious problems came soon to the front. The Puritan party hoped for a comprehensive settlement, which would give the bishops only a modicum of their former power and which would include all within the national church. The discussion of the question began on July 9 with the motion of Sir Trevor Williams "for

[4] Prynne, *Brevia Parliamentaria Rediviva*, Part III, p. 234.

[5] Wood, *Life and Times*, I, 319.

the Established Religion according to the Thirty-Nine Articles." Calvinistic as the Articles are, Prynne at once scented danger and, his Erastian spirit aroused, declared that king and Parliament must be recognized as having power over the synods. A week later he reasserted this stand, that he could not favor prelacy unless the bishops would acknowledge that their power came from the king and would "not vaunt themselves to be *Jure Divino*." [6]

In order to divert his mind from the religious issue, his enemies declared, Prynne in August was appointed Keeper of Records in the Tower of London, with a stipend of £500 a year. It was undoubtedly a pension for his royalist activities, but he had proved himself a fit person for the post. His marked interest in "Antiquities" had been manifested repeatedly in his writings. That the "gag," if such it were, failed in its purpose is seen in the same month, when Prynne's *The Unbishoping of Timothy and Titus*, published in 1636, was reprinted. The occasion for its appearance is found in the refusal of the bishops to recognize the validity of ordinations by presbyters during the recent unsettled times. Prynne here asserted his recognition of the prelacy exercised by "Regall and Legall Authority": he rejected only "its illegal Innovations, Exorbitances, and pretended Divine Sanction." The Puritan dream of a comprehensive church, embracing all shades of thought, was convincingly defended. In an effort to gain royal support, Prynne gave a copy of this Erastian work to the king.[7]

[6] Cobbett, *Parliamentary History*, IV, 79–80, 82.
[7] *Cal. S. P. Dom. Car. II, 1660–1661*, p. 308.

Social abuses as well claimed Prynne's attention. The dissoluteness and drunkenness of the time particularly aroused his ire: these vices were indeed seen in connection with drinking the king's health, "under the coulour" of which loyal practice, gravely remarked Burnet, there were great disorders.[8] Prynne therefore wrote a pamphlet against the drinking of healths, rehearsing many of the arguments voiced in an earlier tract of 1628, and dedicated it to Charles II. Whether in reply to this pamphlet or that against bishops, a second effort to busy him and thus temper his acerbity was made in August, when he was appointed one of the six commissioners for regulating the excise.[9] Despite these many interests and duties, Prynne found time to prepare for publication in September, 1660, a ponderous work on writs of Parliament, a continuation of the volume issued in 1659.[10]

Though Prynne was markedly intolerant in regard to religion and politics, he would allow every man his own opinions on one subject: matrimony. On September 12 a debate took place in the house of commons with regard to the marriage of Charles II. One member moved that Charles II "should be desired to marry and that to a Protestant." The motion was not timely, another protested, and he recalled Queen Elizabeth's saying on such occasions, "that they ought to look to matters that concerned themselves." Prynne, too, came to the defence of Charles II: "that

[8] Burnet, *History of My Own Times*, I, 166.

[9] Kennett, *Register*, p. 233; *Cal. of Treas. Books*, I, 75.

[10] *A Brief Register, Kalendar, and Survey of Several Kinds of Parliamentary Writs, relating to the House of Commons.*

the king having lived so many years unmarried and had not yet thought of it" in his mind proved that it was not proper to prescribe rules to him, but that they must leave that to his discretion. The matter was dropped as unseasonable.[11]

Prynne's opinions on matrimony were seen again in a debate on November 10. A bill "for preventing the voluntary separation and living apart of women from their husbands" caused much discussion. Knight, true to his name, "moved for casting out the bill," because they should not be so severe to women. However, upon Prynne's "humourously saying that if they did cast out the bill, those that had ill wives would call for it again within a day or two," the question was put. When the bill came up again, Prynne declared that he was for it, "though he never had a good or bad wife in his life." [12]

For the next few months General Monk, Colonel Birch, Clarges, and Prynne were disbanding the army and navy, finding the necessary funds in the proceeds of the poll tax, the collection of which was in charge of these men. With his customary vigor, Prynne threw himself heart and soul into the task, often working till past midnight.[13] Samuel Pepys, too, was associated with Prynne in this work.[14] His impression of Prynne is indeed that of a sober antiquarian, who discoursed

[11] Cobbett, *Parliamentary History*, IV, 119–120.

[12] *Ibid.*, pp. 143–146.

[13] Prynne, *Short Sober Pacific Examination of Some Exuberances in and Ceremonial Appurtenances to the Common Prayer* (London, 1661), dedication.

[14] Pepys, *Diary*, November 8, 1660; June 25, 1665; February 21, 1666; July 3, 1666.

at length of the faults of the laws of England, of his ambition to simplify their obscurity, and of the privileges of Parliament. Through this work the redoubtable pamphleteer is associated with the Coldstream Guards, which were formed from Monk's regiment on February 14, 1661. As Prynne advanced the regiment into the king's service, the soldiers responded with shouts of "God save the King," with waving and throwing of their hats, and with displaying of their ensigns.[15]

Prynne's zeal for disbanding the army received a check in November, 1660, when the question of the church came up again in the house of commons. The king's declaration of October 25, 1660, had been distinctly conciliatory, warranted to make the church broad enough to include the Presbyterian party. Its nature is seen in the fact that it was a compromise arrived at in a conference of such men as Holles, Manchester, Bishop Morley, Calamy, and Baxter. The episcopacy would have been maintained, with such limitations as would satisfy the Presbyterians; the extravagances of ritual were to be done away with, and subscription to the Thirty-nine Articles would not be compulsory. Naturally enough, the Puritans in the house saw in this a distinct victory for their party, and hastened to turn the Declaration into an act of Parliament. At the second reading, however, it was thrown out, as much because of the excessive enthusiasm of its supporters, we are told, as because of the grim memory Cavaliers had of Puritan

[15] *Kingdome's Intelligencer*, No. 7, p. 110.

intolerance in the past.[16] Prynne, when he saw how his party had been deluded, in his report of the number of regiments disbanded added a note of warning to the house of commons. It must be mindful, he cautioned, not to do those things which might bring the army together again.[17] The High Church party was so aroused against him, related Ludlow, that "if the House had not risen immediately, in great disorder, he had been obliged to explain himself at the Bar." [18] He narrowly escaped a severe censure.[19]

Undaunted, Prynne retaliated with an attack upon the ambitious clergy, *A Seasonable Vindication of Supream Authority and Jurisdiction of Christian Kings, Lords, Parliament, as well over Possessions, as over Persons of Delinquent Prelates and Churchmen.* The dedication to Charles II glowed with loyal fervor: the author did "humbly crave license to prostrate at" the royal feet this disputation, "hastily compiled in the midst of my other distracting publike Imployments in a few hours space." This panegyric to royalty ended thus:

> Let those everlasting Arms of the Eternal God, riding upon the heavens for Your help, which have so miraculously protected, supported, restored Your Royal Majesty to Your Kingdoms, and thrust out the Enemy from before You, without sword or spear, for ever embrace, defend, preserve Your Sacred Person in perfect health and safety, to reign over them in all Prosperity, Tranquillity, Felicity,

[16] Burnet, *History of My Own Times*, I, 315.
[17] Laurence Echard, *History of England to 1688* (London, 1707), p. 781.
[18] Ludlow, *Memoirs*, II, 326.
[19] Echard, *History of England to 1688*, p. 781.

and Glory, till extreme old age (and no other casualty) shall translate You from a temporal to an eternal Crown in the Highest Heavens.

Prynne cited the works of John Hus and John Wycliffe to prove to the king the need for speedy settlement of the problems arising from the sale of church lands during the rebellion. The worldliness and greed of the bishops were condemned; and they were solemnly advised to turn their efforts to prayer, fasting, and other good works.

In February, 1661, the matter of money to pay the army and navy caused Prynne to write to the Mayor of Bath, John Ford. By way of news he mentioned the intention of Charles II to call a new Parliament. Others informed Ford and the aldermen of this fact, and solicited to be their burgesses. Acting upon the news in Prynne's letter, the Corporation met at Guild Hall on February 28 to discuss the elections for the new Parliament. Two knights of this county, Sir Thomas Bridges and Sir Charles Berkley, were prominent candidates and offered the officials friendship and the favor of the court party if they were elected. Despite their tempting offers, the Corporation determined to reëlect Prynne and Alexander Popham. A letter was sent to Prynne by the next post, asking him to serve for them.[20]

Prynne's reply was a delightful example of modesty. "Never ambitious nor desirous of any such a Publick Employment, wherewith he was quite tyred

[20] The details of this electoral struggle are given in Prynne's *Brevia Parliamentaria Rediviva*, Part III, pp. 337 f.

out," he declared that he had refused like proffers from other places. However, if Bath freely elected him, he would not refuse to serve. Assured of a seat in Parliament, he proceeded with his work of disbanding the army. Complications meanwhile arose in Bath, where the court party was endeavoring to break the power of the Puritan party, as represented by Prynne and Popham. Sir Thomas Bridges even wrote to Secretary Nicholas for aid. He could bring in loyal members for Bath and prevent the election of "persons notorious in the late rebellion, who still court popular applause," only if the mayor were displaced for a person of known loyalty.[21]

When letters from persons of great authority and their own blandishments failed to shake the loyalty of the mayor and aldermen to Prynne, Sir Thomas Bridges and Sir Charles Berkley used other means to secure their election. Sir Charles, who was comptroller of His Majesty's household, presented a petition to the Privy Council with "some feined frivolous articles thereto annexed." Ford, the document declared, should be forthwith sent for to the Council Table to answer charges against him as a person disaffected to His Majesty and dismissed from his place. He and another citizen, one Moor, were summoned to London by writs, which were "openly served" by two constables, through the plot of Henry Chapman, the court candidate for mayor. Thus, it was hoped, the rest of the citizens would be terrified and induced to carry on the election in Ford's absence.

[21] *Cal. S. P. Dom. Car. II, 1661–1662*, p. 544.

On their arrival in London, Ford and Moor succeeded in getting an audience with the king, who looked with favor on them when he was told of their intentions to choose Prynne. "They could not make choice of a better man," asserted Charles II, if we are to believe Prynne's account. The king then carried Ford's petition to the Council. The following day both parties were heard. The charges against Ford being proven false, he was dismissed and his accuser was rebuked.

The story of the election, as told by Prynne, is of interest as picturing an election in the seventeenth century. Ford, who by his speedy return had frustrated the plot of the courtiers to hold the election prematurely, some days afterward "warned the Hall for the Election." The electors were the mayor, aldermen, and common council, consisting of thirty-one persons. At the election twenty-one voted for Prynne. The tool of the disappointed candidates now raised his voice in protest; as captain of the Trained Band he had some influence. When his demand that all freemen should "give their Voyces" was refused, he had the drum beaten to gather the citizens. A few of the meaner sort gathered, but the old and substantial citizens refused to come "because they had no voyces and never heard of any Election being made by the Freemen." The mayor stood firm. The strategist and his followers proceeded to elect Sir Thomas and Sir Charles. The election, Prynne related with scorn, "was ratified at the Captain's Tavern." Here they caroused so long that many of them were unable

to return to their homes, and some even died within a few days.

When the Pensionary Parliament, as it was called because of the number of members receiving pensions from the government, convened on May 8, Prynne and Popham took their seats, as did Sir Thomas and Sir Charles. Upon the report of the Committee on Privileges and Elections, the house resolved that Prynne and Popham should sit until the case was decided.[22] In deciding whether Prynne and Popham or their rivals should be adjudged members, several citizens were sent from Bath as witnesses before the committee. Antiquity served as the criterion for their choice; for one witness was eighty-three years old, three were seventy-seven, one sixty-six, and all had been for a long time Freemen of Bath. On examination three of them remembered the election of Sherston, but none of them, except one, could recall when they or any other freemen were urged to give their voices at elections. One solitary witness insisted that, when he was seven years old, at an election — at which he received cake and wine — all freemen had voted. "He of the cake and wine," as Prynne disparagingly referred to him, was discredited, and the election of Prynne and Popham was declared legal. Prynne's victory over the court party is noteworthy.

In April had appeared Prynne's protest against

[22] *C. J.*, VII, 250; Prynne, *Brevia Parliamentaria Rediviva*, III, 340 f. The numerous disputed elections to this Pensionary Parliament indicate the warmth of the contests and the efforts of the court party to control the house of commons.

liturgical extravagances: *A Short Sober Pacific Examination of Some Exuberances in, and Ceremonial Appurtenances to, the Common Prayer.* He did not confine his protests against ritualism to words; his nonconformity (though he would never have considered himself a nonconformist) was especially evident the last Sunday in May, when both houses received Communion at St. Margaret's. Dr. Gunling, a High Church clergyman, preached the sermon. The rigid Puritans stayed away, as did doubtless the irreligious of the court party; for "there were so many members absent of both parties," it was said, that neither party thought fit to bring the matter up in the house of commons the next day. Because of the smallness of the congregation, Prynne's insurgency was the more noticeable. He, with a few others, refused to take the Sacrament kneeling. When the minister who gave the bread saw that Prynne would not kneel, he refused to allow him to communicate. The other clergyman thought that Prynne had received the bread and inadvertently gave him the wine as he sat.[23] When, as was the custom, it was moved the next day in the house that Dr. Gunling have the thanks of the house for his pains and that he be asked to print his sermon, Prynne was one of the few who opposed the motion. It was, however, carried. In waggery some wished that the opposers should be ordered to carry the message to Dr. Gunling, but they were disregarded.[24]

[23] Hist. MSS. Comm., *5th Report*, Duke of Sutherland MSS., p. 171.
[24] *Ibid.*, p. 120.

While Prynne had been called more royal than the royalists in the Convention Parliament, clearly by now he realized that Puritanism was on the defensive, and accordingly rallied to its support. Nothing showed this more clearly than the debates on the Corporation Act, which required all magistrates and other officeholders in corporations to renounce the Solemn League and Covenant, to take an oath that they believed it unlawful under any circumstances to take arms against the king, and, further to prove their conformity, to have taken the Sacrament according to Anglican rites within one year before their election. Such an act would bar from being burgesses not only dissenters, but those who, devoted to a constitutional king, loved more the liberties of England and the right to rebellion; and it must be remembered that with the church's growing power and intolerance all Presbyterians found themselves more and more drifting into nonconformity. Though there were only fifty-six members of acknowledged Presbyterian proclivities in the house, seventy-seven realized the danger of such an extreme measure and voted against it. It was carried, however, by a majority of over a hundred.[25]

The irrepressible Prynne had viewed with despair the action of the house, and, indeed, had opposed the bill vehemently. Undaunted, he proceeded to address the house of lords, to which the bill had now gone, in a pamphlet, *Sundry Reasons Humbly Tendred to the Most Honourable House of Peers, by Some*

[25] Burnet, *History of My Own Times*, I, 317–326.

Citizens and Members of London, and Other Cities and Boroughs and Corporations and Ports against This New Intended Bill for Governing and Reforming Corporations. It will be remembered that London had returned four Presbyterian members, who had undoubtedly with others urged Prynne to voice their protest against this intolerant bill. News that a seditious pamphlet by Prynne was being published soon reached the house of commons, which on July 12 ordered that a committee make inquiry. Prynne at once hastened to the printing house and commanded the printers to distribute the type. In spite of this precaution he was unable to conceal his authorship, for it was proven that he had sent the paper to the printers and had corrected the proof.[26]

On the following Monday, July 15, the committee reported to the house of commons. Prynne confessed with sorrow, indeed with tears in his eyes, that he had written the pamphlet, but declared that he had had no mischievous intent. Further, Anthony à Wood tells us, he enlarged upon the service he had done for the king, "how kind and civil the king had been to him."[27] Ordering his withdrawal, the house debated his case. Because of his services in the Restoration, the house decided that if he repented he should be forgiven his offence. The speaker upon Prynne's return told him of the judgment and censured him severely. The firebrand of England was submissive, to the surprise

[26] Kennett, *Register*, quoting from *Publick Intelligencer*, No. 28; Hist. MSS. Comm., *12th Report*, Duke of Rutland MSS., pp. 50–51.

[27] Wood, *Athenae Oxoniensis*, III, 851.

of his colleagues, reverently declared his concurrence with the censure of the house, and even thanked it for its mercy to him, far above his deserts. Because of his penitence the house voted to remit his offence, but as a warning to future insurgents ordered that the proceedings be published. So ended Prynne's last libel.[28]

During the recess of Parliament in the summer of 1661 Prynne worked busily among the records in the Tower. To rescue the manuscripts from the grime "in the darkest corner of Caesar's Chapell," he employed soldiers and women,[29] and succeeded in finding manuscripts unknown to antiquarians and record-keepers of recent years. With great care the precious documents were picked from the rubbish and cleansed, and then arranged into bundles and files. Prynne has left a vivid description of this work in a letter to Sir Harbottle Grimston, Master of the Rolls. While Sir Harbottle enjoyed the fresh country air, Prynne was being "almost choked with the dust of neglected records, interred in their own rubbish for sundry years." The rust, he declared, ate the fingers of their gloves, while the dust made him twice a day as black as a chimney sweep. By September he had sorted the documents into sundry heaps, which were then further arranged, the ninety-four parcels of parliamentary writs, for instance, being filed in alphabetical order according to counties.[30] Such zealous labors quite disprove the charge of Riley, his pre-

[28] *C. J.*, VII, 302.

[29] Stowe MSS. 543, "The Opinions of Mr. Selden and Mr. Prynne concerning the Deplorable Losse of Our Ancient Parliamentary Records."

[30] *Cal. of MSS. of Earl of Verulam*, p. 58.

decessor, related by Pepys, that Prynne slighted his duties in the Tower; indeed, this diligent antiquarian accused Riley of negligence. Prynne later used the relevant parts of this material in *Brevia Parliamentaria Rediviva*, which appeared in January, 1662.

In the midst of his delving into musty records, we find Prynne disturbed, not at popish intrigues at the court of Charles, but at the gory memory of Romish insults. In March, 1664, he corresponded with Peter du Moulin, canon of Canterbury, to find what had been the attitude of Rome toward the execution of Charles I. He, for his part, could swear that at the beheading of the Royal Martyr the queen's confessor had brandished his sword: an action which might very well be interpreted as an expression of wrath against the army, but which Prynne regarded as peculiarly significant of popish perfidy.[31] Prynne and du Moulin were kindred spirits, for the latter saw in Rome only plots and nefarious schemes.

If Prynne saw the liberties of England threatened by popish intrigues, the court party feared because of the dissenters' conspiracies.[32] Independents, Fifth Monarchy men, and Anabaptists, alike infuriated by such repressive acts as the Conventicle Act and the Corporation Act to the point of rebellion, daily plotted, overlooking their doctrinal differences in their antagonism to the new order. Even the Presbyterians, so instrumental in the return of the king, felt

[31] Stowe MSS. 755. Letter to the Reverend Peter du Moulin. See Appendix, pp. 189–190.

[32] *Vide* W. C. Abbott, "Conspiracy and Dissent," *American Historical Review*, XIV, 503 ff.

themselves frustrated and betrayed. So it came about that Charles II, probably at Clarendon's instigation, at the opening of Parliament in March, 1664, spoke seriously of the dangers confronting the country. Many of the radical citizens, he declared, felt that according to a strict interpretation of the Triennial Act of 1641 (which had not been expunged) the present Parliament should be dissolved and writs issued for a new one. Were this to happen, the implication was, desperate men might easily manipulate the elections to the prejudice of the commonwealth. Charles II, therefore, suggested that Parliament reconsider this bill.[33]

The Triennial Act, which had been received with such enthusiasm in 1641 as a means to preserve Parliament from speedy dissolution, was indeed, as Charles pointed out, derogatory to the king's prerogative. For, it provided that, if the Lord Chancellor did not issue writs within the three-year period, the sheriff must do so; he failing, the electors themselves must proceed to an election.[34] To sticklers for precedent, among whom Prynne was not the least, this bill on sober reading seemed unconstitutional. So it happened that, contrary to the expectation of all, Prynne bitterly attacked the bill, "comparing it to the idoll whose head is of gold and his body and feet of different metall." [35] That Prynne in his enthusiasm had wilfully perverted the text of the bill was the reply of

[33] *Life of Edward Earl of Clarendon* (Oxford, 1759), II, 417 ff.; W. S. Holdsworth, *History of English Law* (London, 1903–1926), VI, 113; Cobbett, *Parliamentary History*, IV, 290.

[34] *C. J.*, VII, 535. [35] Pepys, *Diary*, March 26, 1664.

Sir Richard Temple, who made a "very coxcominy of him." The bill, Sir Richard held, was not an act of grace, but the people's right.[36] After long debate, the bill was repealed and another substituted, which provided that Parliament should not be discontinued for three years at most. Prynne and his colleagues could not foresee that the failure to provide for such a contingency as the king's not issuing writs might lead to the development of royal absolutism and that Charles II and James II in times critical for English liberties might rule without a parliament. At any rate Prynne was not being obsequious, but from his vast knowledge of English history was basing his stand upon precedent. Later in the month, whether in recognition of Prynne's services one does not know, a warrant was issued for the first payment of his stipend since he had accepted the keepership of the records in August, 1660.[37]

In May, 1664, Prynne had his last controversy, when he for the second time fell under the displeasure of the house of commons. On May 7, representing his committee, he reported certain alterations suggested in a bill for regulating abuses in the retailing of wine, ale, and beer. The first amendment he proposed was rejected, but two others were accepted. After the bill had been passed on May 11 the house learned that it had been changed, and ordered a committee to investigate. Upon the report of the committee that a newly written bill had been submitted, Prynne was

[36] *Memoirs of the Verney Family*, III, 522.
[37] *Cal. of Treas. Books*, I, 592.

ordered to attend the house. He readily admitted altering the bill and his error in so doing, but he declared that he had done it to correct mistakes and to restore it to its original meaning. The house, conscious of the seriousness of "so ancient and knowing a member" altering a bill after commitment, debated long over the question, but finally decided, upon the king's intercession Pepys declared, to remit the offence. Prynne humbly thanked the house, and the matter was thereupon dropped.[38]

Though the king had intervened to save him from a severe censure, Prynne, true to his principles, would not drink his health. In June, dining at Trinity House, he again proved himself "a peevish Puritan" as he refused to join with Pepys, Lord Sandwich, and others in drinking any healths, but sat with his hat on. His jovial companions took no notice of him.[39] Even a "great dinner and good company" could not force him to abandon his principles. Prynne was not, however, always such an ungracious companion. The garrulous Pepys writes often of long chats with Prynne, while Anthony à Wood, certainly not partial to Prynne, has preserved a picture of him as a kindly, even sociable person. Wood, then but a youth, went to Lincoln's Inn with a letter of commendation from Dr. Say of Oriel College, that Prynne should introduce Wood to the records "for the carrying on of a public work." Prynne received him with courtly compliments of the reign of James I, Wood declared, and expressed pleasure that such

[38] *C. J.*, VII, 560–563. [39] Pepys, *Diary*, June 6, 1664.

a young man should be interested in "venerable antiquity." If the novice would call for him the following morning, he promised, he would take him to the Tower.

At the hour appointed Wood found Prynne in a black taffeta coat, edged with black lace. On their way to the Tower they met several citizens, and "prating with them" they proceeded leisurely. Prynne gave Wood a choice place at which he might sit and write, and directed the "reacher" of the records to give him anything he wished.[40]

Prynne's delving into the past was sadly interrupted during 1665 and 1666 by those two great calamities, plague and fire. Because of the pestilence he retreated from London, presumably to Swainswick. Then came the Great Fire, which besides causing him a financial loss of some £2000 in the destruction of copies of two volumes of one of his most ponderous Erastian works,[41] which he termed "the greatest, painfullest, chargeablest" he had ever attempted, brought to him duties as a public servant. First of all, inevitably, he must devote his efforts to preserving the public records from the fury of the flames, "these supinely overlong-neglected raging flames," he lamented. Then he was appointed a member of a committee of the house of commons to investigate the causes of the fire.[42]

[40] Wood, *Life and Times*, II, 110–111.

[41] Wood, *Athenae Oxoniensis*, III, 873. Prynne was working on *An Exact Chronologicall Vindication and Historical Demonstration of Our British, Roman, Saxon, Danish, Norman, English Kings Supreme Ecclesiasticall Jurisdiction.*

[42] *C. J.*, VIII, 627 f.

Along with many others, Prynne laid the blame for this havoc-making fire on the papists. London was in a panic of anti-papal suspicions: the fire had not been an accidental outburst, it was maintained, but had been begun by Romish enemies of England, presumably the French. Men eagerly gave credence to such rumors as that a papist had turned the cocks at Islington, where the New River was piped to London, so that when the fire began it could not be quenched until someone had gone to the water-works and repaired the damage done there. In city and country Roman Catholics, it was whispered, had boasted that soon would be "the hottest weather that ever was in England"; and, more, they had deliberately increased the fire instead of quenching it.[43] Prynne, with his hatred of Rome, would not be silent in such a crisis. He spread abroad rumors that the papists had started the fire, and tried to incite the infuriated English, Anthony à Wood recounts, to a great massacre.[44] He wrote letters to persons here and there in the kingdom, inquiring of the activities of papists. So energetically did he labor to find proof of their guilt that it was said of him: he has "such accurate skill in the laws that he can find high treason in a bulrush, and innocence in a scorpion."[45] As a result of the inquiries of the committee, of which Prynne was no idle member, a pamphlet was published, *True and Faithful Account of the Burning of London*, in which the guilt of the papists in causing the fire was affirmed.

[43] Burnet, *History of My Own Times*, I, 413 f.
[44] Wood, *Athenae Oxoniensis*, III, 854.
[45] *Cal. S. P. Dom. Car. II, 1666*, p. 318; *1667*, p. 550.

To fire-wasted London now came the fear of invasion by the Dutch. Their fleet, indeed, had come as far up the Thames as Chatham, much to the horror of a nation which remembered Blake's mighty victories. To meet this difficult situation, Charles II decided to convene Parliament, which had been prorogued until October 10; undoubtedly he felt that some step must be taken to check the rumors of his frivolity at this tragic moment, such as that of Pepys, which pictured him "all merry a hunting a poor moth" at the Duchess of Monmouth's, or the more sinister comparisons of him to the tyrant Nero, who made music while Rome burned.[46] His counsellors, however, eager as they were to act, expressed doubt whether upon prorogation Parliament could be convened before the day set. Prynne was, thereupon, consulted privately by the king "to satisfy him, 'That upon an extraordinary occasion he might do it.'" And, Clarendon records, Prynne's judgment, which Charles II in other matters did not value, "very much confirmed him in what he had a mind to." Many of the Privy Council, though Clarendon was opposed, supported the wily monarch, and Parliament was thereupon convened on July 29. Because peace had been made with the Dutch by then, it was almost at once prorogued.[47]

The real significance of this incident, however, lies not in the part which Prynne played, but in the fact

[46] Burnet, *History of My Own Times*, I, 448.

[47] Cobbett, *Parliamentary History*, IV, 363; *Earl of Clarendon's Life*, II, 423; John Hatsell, *Precedents of Proceedings in the House of Commons* (London, 1818), II, 333.

that it shows Clarendon's decreasing influence with his headstrong monarch. The public misfortunes, the humiliating defeat by the Dutch, the empty exchequer, indeed all troublous conditions, were blamed upon Clarendon by the people; and Charles II, wearied of his stern tutelage, was quite ready to throw him to the lions. When the house of commons convened on October 10, it was determined to destroy Clarendon. In the debates which followed, Prynne took no part except on one point, where he felt the king's prerogative was questioned. On November 4 the debate turned upon the sale of Dunkirk to the French. Despite the financial gain, the pride of the people was hurt by the loss of this bit of British soil on the continent to their ancient enemy, and Clarendon had suffered much opprobrium because of it: indeed, the magnificent house which he was building in London was called "Dunkirk House" because he was suspected of having used the proceeds of the sale for his own glory. In the house feeling rose high. The king might as well have sold the Isle of Wight, declared Waller. Others denounced it as treason. Prynne, however, said that he had never heard that selling a place with the king's consent, the king receiving the money, was treason; but, he added, doubtless recalling his old controversy with Nathaniel Fiennes, surrendering a fort before it was reduced to extremity was treason.[48] The flight of Clarendon ended the debates, but did not solve the

[48] Achitell Grey, *Debates of the House of Commons* (London, 1769), I, 32–33.

question of the responsibility of the king's ministers. Neither did Prynne, with his vast knowledge of precedents, contribute anything to its solution. Indeed, these two incidents show that his lofty concept of the prerogative had not been diminished by the frivolity of the Restoration, but rather was being increased as he delved deeper into antiquity.

As the 1660's drew to an end, Prynne seems to have taken less and less part in the house of commons. As a Bencher of Lincoln's Inn, however, he was active, serving first as Reader, then as Treasurer, and finally Dean of the Chapel and master, or keeper, of the library.[49] Neither did he lose his connections with Bath. In December, 1668, the city appealed to the king that an assize be granted; as recorder, Prynne sent to the Privy Council arguments in its favor. Bath, he maintained, was entitled to an assize because it paid £121 yearly in hearth money, while Wells and Taunton, each of which had one assize and a quarter session, paid only £25.8*s.* and £24.2*s.* respectively. However, Bath's chief claim to royal favor was that it had been the first garrison in western England to support Charles I and the first to proclaim His Present Majesty. The Duchess of Portsmouth was chosen to present the petition to Charles II.[50] It is singular that this popish mistress of the king should have been chosen by the rigid Puritan. Whether through her intercession or through the might of Prynne's arguments, one does not know, but at any rate shortly afterward Bath received the privilege of an assize.

[49] *Black Books of Lincoln's Inn*, III, ix, 33, 60, 65, *et passim.*
[50] *Cal. S. P. Dom. Car. II, 1668–1669*, pp. 113–114.

Since 1664, it is evident, Prynne had ceased to be a controversialist in his writings, except that even his mighty collections of records were written to prove the ecclesiastical power of the king. No longer were the bookstalls of London filled with his pamphlets, now bludgeoning the bishops, now ridiculing the foppish; instead, sombre, sober works appeared, filled with choice documents now for the first time brought from musty seclusion in the Tower for man's edification. Such a work was his one book of 1668, *Aurum Reginae: Or, A Compendious Tractate and Chronological Collection of the Records in the Tower, and Court of Exchequer, concerning Queengold.* Dedicated to Queen Catherine, it appeared on March 25. To restore to her "one of the antientist, Royalist, Richest, Civil, Prerogatives, Duties, and Casual Revenues, Belonging Time out of Mind in England and Ireland to the Queen Consorts of England," it traced the history of Queengold from the time of Queen Helena, wife of Constantius, to the time of Elizabeth, when this tithe of the king's revenue had been merged with the crown revenue. Even in the reign of Henry VIII, this had been given to his succeeding queens, to whom, Prynne noted with sorrow, he had been very unkind. By sundry proofs, from St. Cyprian onward, he attempted to show this ancient duty to be no "aerial whymsy."

In May, 1669, appeared a correction of errors in editions of Sir Edward Coke's *Institutes*, termed *Brief Animadversions of the Fourth Part of Institutes of the Laws of England concerning the Jurisdiction of*

Courts. Dedicated to Charles II, it was a tremendous feat of learning. Prynne was working on a history of the reigns of John, Henry III, and Edward I, in which the power of the king over the church was maintained, when he became ill. Upon his recovery in August he made his will, in which he declared that though now in perfect health, because of his declining strength and the deaths of many younger relatives, he felt he must make his testament. The churches of London, Doctor Tillotson, the poor of Swainswick, Lincoln's Inn, Oriel College, were remembered, as well as a host of kin. His brother Thomas, now a clergyman in Somerset, was mentioned with terms of deep affection; sisters, nephews, and nieces, brothers-in-law and clerks, all received their share of Prynne's bounty. His severity toward frivolity is shown in his mention of his clerk, Ralph Jennings, remembered by Sir Anthony à Wood as "a boon blade," who was to receive £5, to be paid him by five shillings a week "lest he spend or be cheated thereof."

Having thus settled his estate and commended his soul to God, whenever He should "please to take me out of this vayne and wicked world," Prynne returned to his writing. Again he became ill, and died on Sunday morning, October 24, 1669, in his chamber in Lincoln's Inn.[51] He was buried under Lincoln's Inn Chapel, in the midst of that hoary antiquity which he had loved and which he had so zealously endeavored to maintain.

[51] *Black Books of Lincoln's Inn*, III, 66; Aubrey, *Brief Lives*, II, 175. Prynne's will is printed in *Documents relating to William Prynne*.

VIII. PRYNNE AS A PAMPHLETEER

Thou that with Ale and baser liquors
Didst inspire Withers, Prynne, and Vicars,
And teach, tho' it were in despight
Of nature and the starres, to write.

PRYNNE'S great contribution to his age, without question, lies in his work as a pamphleteer. His activity in Lincoln's Inn and in Parliament has been rightly overshadowed by his fame as a writer. Because of the diversity and number of his writings we are able to reconstruct the point of view of the seventeenth-century Puritan on a vast range of subjects. In an age of pamphleteering he stands out as one whose pamphlets have a lasting value.

On the mere basis of quantity, he belongs among the leading men of letters of his day. He averaged, we are told, a page a day for all his sixty-nine years. For, not only did he write on every possible subject, from morris dances to mediaeval Parliaments, but he was very fond of "wording." So, it happened that though several single sheets, or broadsides, are included in his writings, many of his 180-odd tracts are of great length. *Histriomastix* was 1006 pages long, not including the preface to the reader, the dedication, and the 40-page table of contents. *Brevia Parliamentaria Rediviva* was composed of four stout volumes.

Prynne's writings, however, fell far short of the literary standards upheld by such men of his time as Jeremy Taylor or Milton. Indeed, his books were "ill," Sir Edward Hyde declared, and many of his contemporaries agreed with him. Though Parliament appreciated Prynne's value as a propagandist and ordered that several of his books be printed, one feels that it was purely as an able controversialist and not as a writer of merit that he was recognized. John Aubrey dismissed him as "a learned man, of immense reading, but . . . much blamed for his unfaithfull quotations," and in this criticism revealed Prynne's chief weakness as a writer. He gave, of course, due recognition to the sources of his material, but this very fact aroused other criticism, for Prynne's footnotes were in the margin. Milton because of the profusion of these notes called him "Marginal Prynne"; another pamphleteer referred scornfully to his "abominable frightful Margent." Still another point to be criticized was his "monstrous Title Pages." These were so well known, a contemporary declared, that if a person saw but a single sheet in quarto on a bookseller's stall, "all-to-be-close-printed on the Front," he did not need to inquire after the author's name, but made as "quick and nimble conception of him as a beggar does of an Ale-house when he spies a Red latice."

The astute Thomas Fuller has excellently summarized his impressions of Prynne:

> I have heard some of his detractors account him as only the hand of a better head, setting forth at first the en-

deavours of others. Afterwards he delighted more to be numberous with many than ponderous with select quotations, which maketh his books to swell, with the loss oft-times of the reader, sometimes of the printer.

Added to this literary sin of a tendency to be only "the hand of a better head" was that of too great vehemence. "His pen," Thomas Fuller further remarked, "generally querulous, hath more of the plaintiff than of the defendant therein." The virulence of Prynne's language, indeed, fairly leaves the reader gasping for breath. Prynne could never call a spade a spade; he must search the church fathers for the most opprobrious epithets. The meek and harmless Quakers were, according to his mordant pen, "the Spawn of Romish Frogs," "Romish Wolves, Locusts, Caterpillars"; bishops were "the vicars of the Divell." At times in his zeal he became ludicrous: the text, "At the name of Jesus every knee shall bow," he insisted should not be taken literally because angels have no knees.

Simplicity of style was unknown to Prynne. He heaped word upon word, phrase upon phrase, until his thought was almost lost in the tortuous maze of the sentence. Strange and fantastic words, too, are found in his writings; for instance, "Oppugner of Thy Pocular Health." Punning had a peculiar fascination for him. In the most sober of pamphlets he would burst forth in a series of puns; the worst instance of this is in *Quench-Coale*, in which, lamenting the spread of liturgical extravagance in the church, he declared that the bishops were becoming "Bite-

sheeps." His opponent, John Cannes, he waggishly pointed out in *A Gospel Plea*, surely must have been in "his Cannes or Cups, when he writ . . . such palpable, Scandalous untruths," to be proved if he "canne."

Prynne's thorough knowledge of Latin showed itself in his choice of words. Despite the verbosity which characterizes his pamphlets, and also despite his tendency to hyperbole, he had a nice feeling for words. Our consciences, he solemnly warned in *Quench-Coale*, were becoming unconscionableness; pastors, wolves; fear of God, atheism. While he often used as many as ten verbs in succession, he so judiciously chose them that there was no mere repetition: each word supplemented the other. His term of opprobrium for the Council of State of the Interregnum — "Mechanick Counsel" — is most apt. The tub-preachers, formerly weavers, gingerbread makers, or smiths, he dismissed as "Mechanick Predicants." Charles II was urged by Prynne to use his influence against the drinking of healths "to purge these Hydropical Humours." Prynne, too, delighted in alliteration, especially in the titles of his writings, such as *The Levellers Levell'd*.

Against all these literary sins must be set certain virtues. Granted that his books were often as Sir Edward Hyde described them, "absurd, petulant, supercilious discourses," they undoubtedly had an appeal for their readers. From the great number of pamphlets written both in defence of and against him, it is evident that his writings were regarded as signifi-

cant. Otherwise, Prynne would never have been regarded during the 1640's by Parliament as its chief pamphleteer, nor would he have brought down upon himself the maledictions of both royalist and radical writers. In that hale and hearty age men's literary palates preferred vigorous and pungent writing. Learned as Prynne was, he was undoubtedly a popular writer; even his titles are arresting, if often incomprehensible. After all, he was essentially the creature of his age. He wrote not for all generations, but for his own particular audience, the Puritans of the seventeenth century.

If Sir Edward Hyde did regard Prynne's books as ill, Salusbury, the translator of *Learned Man Defended and Reformed*, by Bartolus, had a different opinion, which reflected that of many of his age:

> Your numerous and nervous, large and learned volumes . . . have been so successful, in the Refutation of Errors, Reformation of Vice, Restauration of Parliaments and Laws, that I must in Justice join you with the renowned General Monk as the two worthiest subjects of all Honour: for if his generosity bespeaks him Herculem Anglorum, your Erudition proclaims you Alciden Litterarum.

It was the substance, and not the form, of Prynne's writings which made his reputation a lasting one. Among the scholars of this century, which Maitland termed "the heroic age of English legal scholarship," Prynne is recognized as an authority upon constitutional law and parliamentary procedure.[1] Prynne's

[1] Holdsworth, *History of English Law*, v, 405.

great industry and his appreciation of the importance of antiquities were combined with intense zeal for reform: the inevitable result was the number of books he wrote. For the Puritan temperament was essentially evangelistic; a state of godliness must be induced in every walk of life. So it happened that Prynne combined with his career as lawyer that of social, religious, and political reformer.

As a social reformer he showed himself a most unpleasant and crabbed person. Light-heartedness was anathema to him; Touchstone must sing psalms, and Falstaff attend lectures. Whitsun ales must be abolished as a relic of popish times. Against Christmas gaiety he uttered bitter invectives, and declared that such customs as decking the house with greens made it the "festivities of the foullest divells." The "piping of organs" in churches made these sacred buildings fit resorts for Satan. The great and the trivial sins of his time have been perpetuated through his attacks upon them in the *Histriomastix*; the reader, in fact, wonders whether the lurid tales of immorality told in this moral book are more edifying than the wanton plays he attacked. His jeremiads against frivolity and vice were reinforced by the citing of precedents from all ages.

It would be unfair to Prynne, though, to forget that he recognized the need for recreation. Celestial dainties and spiritual cordials, he admonished, might be had in church by those who would forswear their carnal pleasures. And if men were barred from plays, they had the music of birds, the scents of herbs and

flowers, and the savory taste of edible creatures to content their palates. The Puritan, it must be remembered, would simplify the too complicated civilization: the too absorbing pleasures, which distracted men's minds from contemplation of the beauties of the earth. In the *Histriomastix* Prynne left rules for honest, lawful recreation. "The object, the subject of it," he declared, "must be lawfull; Christian, and commendable, not sinful, nor infamous, or prohibited by the Magistrate." Place and person must be honest and of good report. All the circumstances of time, too, must be fitting: not on Sunday, or in the night, but only when recreation is needed to refresh body and spirit. "Rare and seldom, not quotidian," it must not be overlong or time-consuming, or overcostly or expensive. Finally, the pleasures chosen must be suitable for men's callings, ages, and conditions; "the recreations of Princes being not meet for Peasants." It will be seen, thus, that the Puritan did not frown upon pleasure, but only upon excessive pleasure. The manly games of the countryside were advocated as substitutes for the effete entertainments of the town.

Manners, to Prynne, were not matters of taste, but of morals. The godly person who did his duty as a citizen, a follower of some vocation, a church member, had no time for the pursuit of pleasure. His mind must be fixed upon higher things. Extravagance in dress perforce lessened men's interest in their souls. God and Mammon contended for supremacy; between them there could be no compromise. Far bet-

ter was it, then, that the zealous Christian should choose unhesitatingly the better part. Prynne reluctantly admitted the lure of temporal pleasures, but he warned his readers that they could not expect an earthly paradise and a heavenly one too. The flames of hell were very real to Prynne. "Drinking, roaring, healthing, dicing, carding, dancing, masques, and stage-playes" were but empty husks, to be thrust aside.

From his writings we may reconstruct a vivid picture of London life, with its hackney coaches and playhouses for the frivolous and lectures and bookstalls for the sober-minded. It is in this respect that his writings are valuable. As a social reformer, however, he failed: the evils he attacked were checked during the Puritan régime, but by a strange irony of fate they appeared sevenfold in the reign of the monarch for whose restoration he risked his life.

Prynne is seen in a more commendable light in his writings against the ecclesiastical abuses of the time. He was a believer in a comprehensive, national church, controlled by civil authority, Calvinistic in theology, and simple in liturgy. Against the extremists in religious matters he wrote unceasingly: the tyrannical prelates and elaborate liturgists of the Laudian régime, the theocratic Scotch Presbyterians, and the anarchical Independents in turn engaged his attention, while always he wrote against papists. Canon as well as common law, the Scriptures, the patristic writings, and chronicles were resorted to for arguments with which to smite his enemies. The

breadth of his knowledge was equalled only by the intensity of his bigotry. One commendable result of his religious zeal is seen in the publication of documents valuable for their originality which he brought forth from the darkness of the Tower to refute the claims of the bishops. The value of his writings, however, to the student of the seventeenth century lies in his revelation of the religious thought of his time. This was the transition period between the universal church and sectarianism. In Prynne we see the individualism of the dissenter and the love of precedent of the Anglican struggling for expression through a comprehensive church.

In his zeal for the fundamental liberties of Englishmen he played an important part in his age. His training as a common lawyer led him to stress law as the basis of government. He did not see, however, the necessity of a body to determine what law was, and so he lacked clarity of conception of what was, after all, the sovereign power. At the beginning of the Revolution he saw in Parliament the supreme power, working with the king; but as Parliament became dominated by the army he realized the need of limiting its power. Eventually he became a firm defender of government in which the king stood first, limited by law and Parliament.

Parliament, in the eyes of Prynne and other Puritans, was the historical champion of men's liberties. The house of lords was more important than the house of commons because of its greater antiquity; in claiming this superiority for the upper house, how-

ever, Prynne did not minimize the importance of the lower. As the representative body of the shires and boroughs, it had played an important part in the history of England. In his writings, therefore, one finds much material for the history of this institution, especially of parliamentary procedure. Prone to exaggerate and misinterpret facts, he, nevertheless, made a contribution which has been recognized as an invaluable one.

It is in his exaltation of the state, however, that Prynne in his pamphlets enriched the history of political theory. In this respect he anticipated Hobbes, and indeed outdid him in the conception of the omnipotent state, the mighty leviathan. Throughout the controversies of his stormy career, Prynne had but one aim, the glorification of the state. Prelates, Levellers, rigid Presbyterians, papists, army officers, all seemed to him to be threatening its security. For to Prynne the state was an indivisible trinity, king, Parliament, and church, each part equal and indispensable. This conception lends unity to his otherwise diversified career.

This glorification of the state animated his attacks on the enemies of the state church. His Erastianism first manifested itself in his pamphlets against the overweening claims of the prelatical party. Though it is apparent that his antagonism to Archbishop Laud was actuated partly by the personal animosity existing between the two men, clearly his attacks upon Bishop Wren and others were in defence of the state: the bishops, he repeatedly declared, were en-

croaching upon the prerogative of the king, who in turn was the personification of the state. Prynne's protestations of loyalty to the king both before and after his first trial were no abject petitions for royal mercy, but were the inevitable result of his Erastianism. His attacks on the Independents were not dogmatic, but political. He repeatedly stressed the political implications of Independency, the loose organization of which, he felt, boded anarchy in the state. He saw an equal menace in Scotch Presbyterianism; in proportion as the kirk increased in influence, so must the temporal power decrease. Prynne, despite his interest in theology, was essentially secular. The state was the highest expression of man.

Constitutionalism in the state no less than in the church was the safeguard against tyranny. To secure this Prynne and his fellow Puritans were determined to use all legal means. They based their political theory upon precedents; in Magna Charta and such documents they found the means of preserving the traditional liberties of Englishmen. Monarchy, Prynne declared, had been proved by the experience of centuries to be the best of governments, but with reservations: "while it keeps within the bounds which law and conscience have prescribed." The Puritans stressed the moral aspect of the state. The Machiavellian conception of statecraft was anathema to them. Opportunism and unscrupulousness were as abhorrent in political as in social life, and according to their ideals the same ethical standards applied to the state as to man.

In Prynne's writings, as in those of the other moderates, certain terms occur frequently. "Fundamental law" was the very basis of men's rights; "the privileges of Parliament" was another shibboleth. Such adjectives as "just" and "right" appear constantly. In the Puritan effort to place politics upon a moral plane, Prynne combined with his erudition zeal for reform and uncompromising determination reminiscent of the prophets of the Old Testament. The Scriptures formed the background of much of the political theory of this group: the concept of the Hebrew king, high priest and lawgiver, ruler of his people and temple-builder, is the very basis of their interpretation of the duties of monarchy. The intensity of the Old Testament, too, as well as the phraseology, is interwoven with legal terminology and concepts.

As spokesman for the moderate party, Prynne in his career represented its various phases. First as the antagonist of the prelates, he defended the concept of kingship as supreme above the church. In the civil war he attacked the royalists because of their promulgation of the absolutist doctrine, for a king unrestrained by law and precedent was as contrary to the English precedents as was a king bound down by prelatical tyranny. He, therefore, defended Parliament in the 1640's in its effort to bring back into England what it felt to be the pre-Stuart ideal of kingship, working through and with Parliament. With the rapid growth of the radical party Prynne saw this interpretation of the state threatened. So, while in

1648 the moderate party felt that it had won that for which it had fought in the terms offered by Charles I, its victory was wrested away from it by the rise of the radical party. With the power in the hands of the military party the moderates' efforts to restore constitutional kingship were baffled, and they saw the establishment of a government which, though kingless, bore within it the potentiality of a far greater tyranny. So it was that they struggled against the domination of the army for the restoration of the rightful, hereditary king. It was no mere contentious opposition to whatever government was in control, as Prynne's enemies claimed. Throughout the years of opposition to the established power, Prynne was fighting for what he felt to be the kingship made sacred by centuries of tradition. While the radical party had seen in Charles I the person guilty of crimes against his subjects, the moderates regarded him as the personification of an institution, royalty — now perhaps discredited by the absolutist tendencies of the Stuarts, but inherently right because of its antiquity.

The accomplishment of Prynne's party during the civil war must be limited to the ideal which they set forward of limited monarchy. Their definition of kingship was to last. Prynne's conception of the king as being "both the Head, the beginning, and the foundation of Parliament, (which cannot subsist without him, no more than a natural body without a head)" and of Parliament as being the council of the king as well as "the Peoples Attorneys and Trustees"

was the essence of parliamentary government. Prynne, as the mouthpiece of Parliament, must be regarded as chief of the pamphleteers of the years before and during the civil war. In the pamphlets which he wrote between 1627 and 1660 may be traced the evolution of those forces which were shaping England.

The source of his importance as an ecclesiastical and political reformer was in his legal training. "A man of mighty labour, and reading, and memory" he was adjudged by a contemporary, and in no respect is this statement better proven than in his legal career. His fame as a lawyer might rest alone on his conduct of the trials of Colonel Nathaniel Fiennes and Connor Lord Macguire, but it was in his writings that he left the great record of his knowledge and ability. His *Brief Animadversions on the Fourth Part of Institutes of the Laws of England*, a correction of the errors in recent editions of Coke's great work, is in itself considered a masterpiece of legal learning. Added to his knowledge was his training as Keeper of the Records in the Tower of London: Prynne deciphering "decaying documents in the filth and stench of the White Tower is an heroic figure," declared Maitland.[2]

A versatile man, Prynne combined wide knowledge and violent prejudices, a legal mind and a fanatical spirit. From such a character one would expect his strange writings, crammed with facts, burning with violent likes and dislikes. He was essentially a crea-

[2] Holdsworth, *History of English Law*, v, 407.

ture of the Renaissance in his love of learning, but he did not possess the breadth of vision which characterized the English writers of the sixteenth century. Dominated by a zeal to propagate those social, ecclesiastical, and political ideals which he believed right, he was indeed a typical Puritan.

APPENDIX

APPENDIX

LETTER FROM PRYNNE TO KEEPER OF RECORDS, SLOANE MS. 2035. B.f. 12

S^r^

I have returned some of y^r^ papers by this Bearer the residue I shall keep a while for the Archbishopps triall of publike Use. I pray send me the paper concerning M^r^ Gage his negotiation at Rome, etc. L^d^ Digbyes and Calverts Letters about the Spanish match, and the warrant for disbursing the Jewes in Spain w^ch^ I shall have present use of. So might I rest

Y^r^ loving freind,

W. PRYNNE.

LINCOLNS INN
March. 2. 1643[/44]

LETTER FROM PRYNNE TO THE REVEREND PETER DU MOULIN, PREBEND AT CANTERBURY, STOWE MS. 755

Reverend S^r^

I received yr^s^/ this Evening concerning my Narrative p. 45 of the Queens Confessor brandishing his sword at the late kings murder. I ther print that M^r^ Henry Spotsworth was death but the Bencher who related it to me (and I conceive his sister) are both alive; but not in London; as soone as I see the relatons I shall render you a further account; w^ch^ I did then set downe in writing and had the Benchers attestation and some further evidence as to the priests discourse and excuse of it before I printed it, but have lost the paper or left it in my study in the cuntry. What I have

printed I shall averre upon oath, that I received this relation more than once or twice, and made the best inquiry I could to satisfy myselfe. My pressing occasions will not permit me to expatiate nor to discover the cheate in licensing 2. Books so pointblanke agst each other, the first transcribed verbatim out of Watson a priest, another all the answers made by Dr Whitaker and others agst his father or wrested quotations to wch he endeavors a Reply. I shall only at present take my leave and subscribe myselfe

Yr Freind and fellow champion agst Romish Emisseries

Wm Prynne

Lincolns Inne
March. 19. 1663/4

This is evidently a copy of the original letter, which was not found. Accompanying this was a more legible and more modern copy.

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[1] *Documents relating to the Trial of William Prynne*, Camden Society Publications, 1877.

[2] *Catalogue of Pamphlets . . . collected by G. Thomason*, 2 vols., London, 1908.

[3] *Catalogue of Printed Books in the Library of British Museum*, 103 vols., London, 1881–1900.

[4] 3 vols., London, 1878.

[5] 3 vols, Taunton, 1902.

[6] *Catalogue of Printed Books in Library of Lincoln's Inn*, ed. John Nicholson, London, 1890.

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On Popish Crucifixes and Images of Christ, 1641.

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Humble Remonstrance against the Tax of Ship Money, May, 1641. Unsigned.

A New Discovery of Prelates Tyranny, in Their Late Prosecution of Mr. William Prynne, Henry Burton, and John Bastwick, 1641. Two editions. Unsigned.

The Antipathie of the English Lordly Prelacie, Both to Regall Monarchy and Civil Unity, 1641.

A Soveraigne Antidote to Prevent, Appease and Determine Our Unnaturall and Destructive Civill Warres and Dissentions, August 18, 1642. Unsigned.

Vox Populi: Or, The People's Humble Discovery of Their Own Loyalty and His Majesty's Ungrounded Jealousy, 1642. Unsigned. Repr. in *Harleian Miscellany*, VII.

Vindication of Psalme 105: 15, December 6, 1642. Unsigned.

Revindication of the Anoynting and Priviledges of Faithfull Subjects, January 6, 1643. Unsigned.

The Treachery and Disloyalty of Papists to Their Soveraigns, March 16, 1643. Unsigned.

Rome's Master-Peece: Or, The Grand Conspiracy of the Pope (Urban VIII) and His Jesuited Instruments to Extirpate the

Protestant Religion, May 31, 1643. Three editions. Unsigned. Repr. in *History of the Troubles of William Laud*, 1694.

Opening of the Great Seale of England, October 9, 1643. Repr. in *Somers Tracts*, IV.

The Doome of Cowardisze and Treachery: Or, A Looking Glasse for Cowardly or Corrupt Governours and Souldiers, November 3, 1643.

The Popish Royall Favourite: Or, A Full Discovery of His Majesties Extraordinary Favours to, and Protections of, Notorious Papists, Jesuits, December 11, 1643.

Checke to Britannicus for His Palpable Flattery, February 14, 1644. Unsigned.

Soveraigne Power of Parliaments and Kingdomes (with *Treachery and Disloyalty of Papists to Their Soveraignes in Doctrine and Practice*), May, 1643, 1644.

A Moderate Apology against a Pretended Calumny in Answer to Some Passages in the Preheminence of Parliament Published by James Howell, March 4, 1644.

The Falsities and Forgeries of the Anonymous Author of a Pamphlet Entituled The Fallacies of Mr. William Prynne, Discovered in a Short View of His Book, Entituled The Soveraignty of Parliaments, April 10, 1644.

Twelve Considerable Serious Questions touching Church Government, September 16, 1644.

Independency Examined, Unmasked, Refuted, by Twelve New Particular Interrogations, September 26, 1644, 1651.

Full Reply to Certain Briefe Observations and Antiquaeries to Mr. Prynnes Twelve Questions, October 19, 1644.

Faces About: Or, A Recrimination Charged upon Mr. J. Goodwin . . . with Short Animadversions upon His Book called Theomachia, October 21, 1644. Doubtful.

Breviate of the Life of William Laud, Archbishop of Canterbury, 1644, 1645.

Truth Triumphing over Falsehood, Antiquity over Novelty: Or, A Seasonable Vindication of the Undoubted Ecclesiastical Jurisdiction, Right, Legislative and Coercive Power of Christian Emperors, etc. in Matters of Religion, January 2, 1645.

Fresh Discovery of Some Prodigious New Wandring Blazing Stars and Firebrands, Stiling Themselves New Lights, July 24, 1645.

Four Serious Questions of Grand Importance concerning Excommunication, August 23, 1645. Unsigned.

The Antidote Animadverted, September 17, 1645.

Vindication of Foure Serious Questions concerning Excommunication and Suspention from the Lord's Supper, October 3, 1645.

The Lyar Confounded: Or, A Brief Refutation of Jon. Lilbourne's Miserably Mis-Stated Case, Mistaken, etc. against the High Court of Parliament, etc., October 15, 1645.

Hidden Workes of Darknes Brought to Publike Light: Or, A Necessary Introduction to the History of the Archbishop of Canterbury's Triall, 1645.

The Whole Trial of Connor Lord Macguire, 1645. Repr. in *Irish Rebellion*, 1724.

Minors No Senators: Or, A Brief Discourse Proving Infants under 21 Years of Age to be Uncapable of Being Elected Members of Parliament, February 6, 1646, 1661.

Canterburies Doome (Tryall of Laud): Or, The First Part of a Compleat History of the Commitment, Charge, Tryall, Condemnation, Execution of William Laud, Late Archbishop of Canterbury, April 20, 1646.

Diotrophes Catechised: Or, Sixteen Important Questions touching the Ecclesiastical Jurisdictions Pretended to by Some Over-Rigid Presbyterians and Independents, May 8, 1645.

A Gag for Long-Hair'd Rattleheads Who Revile All Civill Roundheads, 1646. Unsigned.

Scotland's Ancient Obligation to England and Public Acknowledgment thereof for Their Brotherly Assistance and Deliverance of Them, 1646.

Scotland's Public Acknowledgment of God's Just Judgments upon Their Nation for Their Frequent Breach of Faiths, Leagues, Oaths, etc., 1646.

Suspention Suspended: Or, The Divines of Syon Colledge Late Claim of the Power of Suspending Scandalous Persons from the Lords Supper Briefly Examined, August, 1646.

Account of the King's Majesty's Revenues and Debts: Or, A True Copy of Some Papers Found in the Late Archbishop of Canterbury's Studie . . relating to . . the Late Lord Treasurer Portland's Gaines by Suits and Sales of Offices, 1647.

Twelve Queries of Publick Concernment Humbly Submitted to the Serious Consideration of the Great Councell of the Kingdom, April, 1647. Unsigned.

The Sword of Christian Magistracy Supported: Or, A Full Vindica-

tion of Christian Kings and Magistrates Authority under the Gospell to Punish Idolatry, Apostacy, etc., 1647, 1653.

IX Queries upon the Printed Charge of the Army against the Eleven Members, June 25, 1647. Unsigned.

Full Vindication and Answer of the Eleven Accused Members, viz., Denz. Hollis, etc. to a Late Printed Pamphlet intit. A Particular Charge of Impeachment in the Name of Sir Tho. Fairfax and the Army against the Eleven Members, July 15, 1647. Unsigned.

Counter-Plea to the Cowards Apologie, July 26, 1647. Unsigned.

Declaration of the Officers and Armies Illegal Injurious Proceedings and Practices against the Eleven Impeached Members, 1647. Unsigned.

Lords and Commons First Love to, Zeal for, and Earnest Vindication of Their Injuriously Accused and Impeached Members and Violated Privileges, 1647.

The Totall and Finall Demands Made by Agitators and Army, July 30, 1647. Unsigned.

New Presbyterian Light, Springing out of Independent Darkness: Or, VI New Queries Proposed to the Army, July 30, 1647. Unsigned.

IX Proposals, by Way of Interrogation, to the General, Officers, and Soldiers of the Army concerning the Justice of Their Proceedings in Law of Conscience against the Parliament, 1647. Unsigned.

Eight Queries upon the Declaration of and Late Letter from the Army, 1647. Unsigned.

Brief Justification of the XI Accused Members from a Scandalous Libel, 1647. Unsigned.

The University of Oxford Plea Refuted, 1647.

Vindication of Sir William Lewes from His Charge, 1647. Unsigned.

The Hypocrites Unmasking, 1647. Unsigned.

Case of the Impeached Lords, Commons, and Citizens Truly Stated, January 22, 1648. Unsigned.

The Levellers Levelled to the Very Ground, February 21, 1648.

A Plea for the Lords: Or, A Short Vindication of the Judiciary and Legislative Power of the House of Peeres, March 2, 1648; October 6, 1657.

County of Somerset Divided into Several Classes, 1648.

Just and Solemn Protestation and Remonstrance of the Lord-Mayor, Common Council Men, and Freemen of London, 1648.

Mercurius Rusticus, 1648. Unsigned.

Irenarchus Redivivus: Or, A Brief Collection of Sundry Statutes and Petitions in Parliament (not hitherto Printed) concerning the Necessity, Institution, Office, Oaths, etc. of Justices of Peace, July 13, 1648.

The Machivillian Cromwellist and Hypocritical Perfidious New Statist, 1648. Unsigned.

Ardua Regni: Or, XII Arduous Doubts of Great Concernement to the Kingdome, Propounded to M. Speaker and House of Commons, 1648. Unsigned.

Articles of Impeachment of High Treason against Oliver Crumwel . . . Hugh Peters, etc., 1648. Unsigned.

Practical Law Controuling, Countermanding the Common Law, and the Sword of War, the Sword of Justice, Exeter, 1648. Unsigned.

The Bloody Project: Or, A Discovery of the New Designe in the Present War, 1648.

True and Full Relation of the Officers and Armies Forcible Seizing of Divers Eminent Members of the Commons House, December 7, 1648. Unsigned.

Second Part of the Narrative concerning the Army's Force upon the Commons House and Members, 1648. Unsigned.

Solemn Protestation of the Imprisoned and Secluded Members, December 11, 1648. Unsigned. Broadside.

Remonstrance and Declaration of Several Counties, Cities and Boroughs against the Unfaithfulness of Some of Their Knights, Citizens, and Burgesses, December 23, 1648. Unsigned.

Demand of His (Prynne's) Liberty to the General, 26 December, 1648, with His Answer thereto, and His Answer and Declaration Thereupon, 1648. Broadside.

Letter to General Fairfax, January 3, 1648/49. Broadside.

A Briefe Memento to the Present Unparliamentary Juncto, Touching Their Present Intentions and Proceedings to Depose and Execute Charles Stewart, Their Lawful King, January 4, 1649.

Mr. Pryn's Last and Finall Declaration to the Commons of England, concerning the King, Parliament and Army; Shewing that It Is High Treason to Compasse the Deposition or Death of King Charles, January 5, 1649.

Substance of a Speech Made in the House of Commons by Wil. Prynne of Lincoln's Inn Esq. on Munday the 4th of December 1648, 1649. Three editions.

Four Considerable Positions for the Sitting Members, Judges, and Others to Ruminate upon, January, 1649.

The Petition of Right of Free-Holders of England, January 8, 1649. Unsigned.

Vindication of William Prynne, from Some Scandalous Papers Newly Published, January 10, 1649. Repr. in E. W. Brayley, *Enquiry into the Genuineness of Prynne's Defence of Stage Plays*, London, 1825.

A New Declaration concerning the King, 1649. Signed "Wil: Pryn."

New Babel's Confusion: Or, Several Votes of the Commons as in Parliament, against Certain Papers entituled The Agreement of the People, 1649.

A New Magna Charta, 1649. Unsigned.

A Vindication of the Imprisoned and Secluded Members of the House of Commons, January, 1649. Unsigned.

Declaration and Protestation of Peers, Lords, and Barons of This Realme against the Late Treasonable Proceedings and Tyrannical Usurpations of Some Members of the Commons House Who Endeavour to Subvert the Fundamental Laws, February, 1649. Broadside. Unsigned.

Examination of Mr. William Prynne by Order of the House of Commons with His Answer, Likewise Several Votes in Prosecution of the Tryal of the King's Majesty, 1649. Unsigned.

Six Serious Queries concerning the King's Tryal by the New High Court of Justice, 1649.

A Publike Declaration and Protestation of the Secured and Secluded Members of the House of Commons against Treasonable and Illegal Acts . . of Some Few Confederate Members of That Dead House since Their Forcible Exclusion, February 13, 1649. Broadside. Unsigned.

Six Propositions of Undoubted Verity, Fit to be Considered of in Our Present Exigency, by All Loyal Subjects and Conscientious Christians, 1649.

Prynne the Member Reconciled to Prynne the Barrister: Or, An Answer to a Scandalous Pamphlet intituled Prynne against Prynne, June 4, 1649.

Reasons Assigned by William Prynne etc. (against the Contribution for the Maintenance of the Forces to be Continued in England and Ireland), June 16, 1649.

A Seasonable, Legall, and Historical Vindication of the Liberties of England against Illegal Taxes and Pretended Acts of Parliament Lately Enforced on the People, July 16, 1649; August 12, 1649.

First Part of an Historical Collection of the Antient Councils and Parliaments of England from the Year 673 till an. 1216, August 20, 1649.

Arraignment, Conviction, etc. of the Westminsterian Juncto's Engagement, December 22, 1649. Unsigned.

Summary Reasons against New Oath and Engagement and an Admonition to All Who Have Subscribed to It, December 22, 1649. Signed "W. P." (same as above pamphlet).

New Babell's Confusion, 1649.

A Brief Apologie for All Non-Subscribers of the New Engagement, February 28, 1650.

Sad and Serious Considerations touching the Invasive War against Our Presbyterian Brethren of Scotland, September, 1650.

Christi Servus (i. e., William Prynne) etiam in Summa Captivitate Liber, anno 53, Aetatis 49. The places and times of his first imprisonments under his professed Enemies the Prelates . . . The Places and Times of His Second Imprisonments under False Brethren and Pretended Friends, etc., 1653. Broadside.

Gospel Plea (Interwoven with a Rational and Legal) for the Lawfulness and Continuance of the Antient Settled Maintenance and Tithes of the Ministers of the Gospel, September 2, 1653, 1659.

Jus Patronatus: Or, A Briefe Legal and Rational Plea for Advowsons, or Patrons Ancient Lawfull, Just and Equitable Rights and Titles to Present Incumbents to Parish Churches or Vicaridges upon Vacancies, May 5, 1654.

Seasonable, Legall, and Historicall Vindication of the Good Old Fundamental Liberties of All English Freemen, Parts I and II, 1654–55; Parts I, II, III, 1655–57.

The Quakers Unmasked and Clearly Detected to be but the Spawn of Romish Frogs, Jesuites, and Franciscan Freers, Sent from Rome to Seduce the Intoxicated, Giddy-Headed English Nation, February 19, 1655.

New Discovery of Free-State Tyranny. Four Letters, together with a Remonstrance of Several Grievances, October 22, 1655.

Briefe Polemical Dissertation concerning True Time of Inchoation and Determination of Lords Day Sabbath, 1655.

Old Parliamentary Prognostication for the Members There in Consultation, 1655. Unsigned.

Short Demurrer to the Jewes Long Discontinued Remitter into England, 1st part, 1655; 2d part, 1656; repr. 1656.

A Legal Resolution of Two Important Quaeries of General Present

Concernment. Clearly Demonstrating the Bounden Duty of Ministers and Vicars of Parish Churches to Administer the Sacraments as well as Preach to Their Parishioners, July 20, 1656.

A Seasonable Vindication of Free Admission to, and Frequent Administrations of, The Holy Communion, to All Visible Church Members, Regenerate or Unregenerate, September 1, 1656.

Demophilos: Or, The Assertor of the People's Liberty, September 6, 1656, 1658.

New Discovery of Some Romish Emissaries, Quakers, as Likewise of Some Popish Errors, Unadvisedly Embraced, Pursued by Our Anti-Communion Ministers, September 11, 1656.

A Summary Collection of the Principal Fundamental Rights of All English Freemen, September, 1656; November, 1656.

Pendennis and All Other Standing Forts Dismantled: Or, Eight Military Aphorisms Demonstrating the Unprofitableness and Prodigall Expensiveness of All Standing English Forts and Garrisons, December 5, 1656.

King Richard the Third Revived, Containing a Memorable Petition Contrived by Himself and His Instruments, Whiles Protector, to Importune Him to Accept of the Kingship, March 1, 1657. Unsigned.

Appendix to a Seasonable Vindication of Free Admission to and Frequent Administration of the Lord's Holy Communion to All Visible Church Members Regenerate or Unregenerate, June 27, 1657.

Lord's Supper Briefly Vindicated, and Clearly Demonstrated to be a Grace-Begetting Soul-Converting (not a Meer Confirming) Ordinance, November 18, 1657.

Exact Abridgement of Records in Tower of London from Reign of Edward II unto King Richard III of Parliaments Holden in Each Kings Reign and the Several Acts in Every Parliament: Together with the Names and Titles of All Dukes, Marquesses, Earls, Viscounts, and Barons, Summoned to Every of the Said Parliaments, 1657. (Revision by Prynne of Cotton's work.)

The Subjection of All Traytors, Rebels, as well as Peers and Commons in Ireland to the Laws, Statutes and Tryal by Juries of Good and Lawful Men of England, June 19, 1658.

Probable Expedient for Present and Future Publique Settlement. By a Well-Wishing Phylopater. November 13, 1659.

Twelve Serious Questions, 1658.

Twelve Several Heads of Public Grievances, 1658.

Beheaded Dr. John Hewyt's Ghost Pleading for Justice, March 27, 1659, 1660. Unsigned.

True and Perfect Narrative of What Was Done between Mr. Prynne, the Secluded Members, the Army Officers, and Those Now Sitting in the Commons and Elsewhere, 7 and 9 May, May, 1659.

The True Good Old Cause Rightly Stated, and the False Uncased, May 13, 1659. Unsigned.

The Republicans and Others Spurious Good Old Cause, Briefly and Truly Anatomized to Preserve Our Native Country, Kingdom, Legal Government, etc., May 13, 1659. Three printings.

England's Confusion: Or, A True and Impartial Relation of the Present Actings at Westminster under the Name of the Good Old Cause, May 30, 1659. Unsigned. Repr. in *Somers Tracts*, VI.

New Cheaters Forgeries Detected, Disclaimed, May 31, 1659. Broadside.

Loyalty Banished: Or, England in Mourning. Being a Narrative of the Proceedings between Divers Members of Parliament and Mr. Wil. Prynne, June 16, 1659. Unsigned.

Ten Considerable Quaeries concering Tithes, June 27, 1659.

Concordia Discors: Or, The Dissonant Harmony of Sacred Publique Oathes Lately Taken by Many Time-Serving Officers, July 16, 1659.

Seven Additional Quaeres in Behalf of the Secluded Members, Propounded to the Twice Broke Rump, Now Sitting the Cities of Westminster, London, etc., 1659. Unsigned.

A Brief Necessary Vindication of the Old and New Secluded Members, from the False Malicious Calumnies, and of the Fundamental Rights, Liberties, Privileges, etc. from the Late Subversions of Joh. Rogers 2. of March. Nedham, September 23, 1659.

Declaration and Protestation against the Illegal New Tax and Extortion of Excise in General . . and for Hops . . in Particular, October 18, 1659.

Short, Legal, Medicinal, Useful, Safe, Easy Prescription to Recover Our Kingdom, Church, Nation, from Their Present, Dangerous, Distractive, Destructive, Confusion and Worse than Bedlam Madness, November 5, 1659. Repr. in *Somers Tracts*, VI.

Histrioarchos: Or, The Exact Recorder: Being the Most Faithfull Remembrancer of the Most Remarkable Transactions of Estate and of the English Lawes . . Collected . . out of the Antiquities of the Saxon and Danish Kings unto the Coronation of William the

Conqueror; and Continued unto the Present Government of Richard, Now Lord Protector, December 6, 1659.

Petition and Address of Sea-Men and Watermen in and about London, December 12, 1659. Broadside. Unsigned.

Ten Quaeries upon the Ten New Commandments of the General Council of the Officers of the Army, 22 December, 1659, 1659. Unsigned.

Six Important Quaeries to the Re-Sitting Rump, December 30, 1659. Broadside. Unsigned.

Answer to a Proposition, in Order to the Proposing of a Commonwealth or Democracy, 1659.

The Curtaine Drawne: Or, The Parliament Exposed to View, 1659. Unsigned.

Brief Narrative of the Manner How Divers Members of the House of Commons, That Were Illegally and Unjustly Imprisoned or Secluded by the Army's Force in December 1648 and May 7 an. 1659, Coming on the 27th of December 1659 to Discharge Their Trust, Were Again Shut out by the Pretended Order of the Members Sitting, 1660. Unsigned.

Privileges of Parliament which the Members, Army and This Kingdom Have Taken the Protestation and Covenant to Maintain. Reprinted for Consideration and Confirmation on the 5th of January, the Day Appointed to Remember Them, January 5, 1660. Unsigned.

Case of the Old Secured, Secluded, and Twice Excluded Members, Briefly and Truly Stated for Their Own Vindication, January 13, 1660.

Plea for Sir George and the Cheshire Gentlemen, Briefly Stated in a Letter to Sir Arthur Haselrigge by an Unbiassed Friend of Truth and Peace, January 19, 1660. Repr. in *Somers Tracts*, VI.

Full Declaration of the True State of the Secluded Members Case, in Vindication of Themselves and Their Privileges and of the Respective Counties, January 30, 1660. Two editions.

Remonstrance of the Noble-men Knights, Gentlemen, Clergymen, Free-Holders, Citizens, Burgesses, Commons of the Late Eastern, Southern, and Western Associations, Who Desire to Show Themselves Faithful and Constant to the Good Old Cause, 1660. Broadside. Unsigned.

Seasonable and Healing Instructions, Humbly Tendered to Free-Holders, Citizens, Burgesses . . to be Seriously Recommended by

Them to Their Respective Knights, Citizens, and Burgesses, March 26, 1660. Broadside. Unsigned.

Letter and Proposals to King Charles (respecting the Drinking of Healths) and His Majesties Gracious Resolves (respecting Drinking and Duelling), August 17, 1660.

Conscientious Quaeres to the Westminster Juncto, September, 1660 (reprint).

Three Seasonable Queries Proposed to All Those Cities, Counties, and Boroughs, Whose Respective Citizens, Knights, Burgesses, Have Been Forcibly Excluded, Unjustly Ejected, and Disabled to Sit in the Commons House by Those Now Acting at Westminster, 1660. Unsigned.

Sundry Reasons Humbly Tendered to the Most Honourable House of Peeres . . . against this New Intended Bill for Governing and Reforming Corporations, 1660.

The Title of Kings Proved to be Jure Divino, 1660, 1666.

The Signal Loyalty and Devotion of God's True Saints and Pious Christians towards Their Kings, 1660, 1661.

Seasonable Vindication of Supream Authority and Jurisdiction of Christian King, Lords, Parliament as well over Possessions as over Persons of Delinquent Churchmen, November, 1660.

Copy of the Presentment and Indictment Found and Exhibited by Grand-Jury of Middlesex in Upper Bench at Westminster on Last Day of Hilary Term 1659 against Collonel Matthew Allured, Collonel John Okey . . and Edward Cooper (one of the Door Keepers) for Assaulting and Keeping Sir Gilbert Gerrard, one of the Knights of the Shire for Their Country, by Force and Arms out of the Commons House of Parliament, 27 December, 1660. Broadside. Unsigned.

A Short Sober Pacific Examination of Some Exuberances in, and Ceremonial Appurtenances to the Common Prayer, April 23, 1661.

Moderate Seasonable Apology for . . Not Bowing . . to the Name of Jesus and Not Kneeling in the Act of Receiving the Lord's Supper, May 1, 1662.

Brevia Parliamentaria Rediviva, 1662. *Bathonia Rediviva* was included in this.

Aurum Reginae: Or, A Compendious Tractate and Chronological Collection of the Records in the Tower, and Court of Exchequer, concerning Queengold, March 25, 1668.

The First Tome: Or, An Exact Chronologicall Vindication and Historical Demonstration of Our British, Roman, Saxon, Danish,

Norman, English Kings Supreme Ecclesiasticall Jurisdiction, 6 vols., 1666–1670.

Brief Animadversions on the Fourth Part of Institutes of Laws of England concerning the Jurisdiction of Courts, 1669.

Brief Register, Kalendar, and Forms of All Parliamentary Writs, 4 parts, 1659–1664; 1689.

The History of King John, King Henry III, and King Edward I wherein the Sovereign Dominion of the Kings of England over All Persons in All Causes Is Asserted, 1670.

Printed Letters

Letter to Archbishop Laud, June 11, 1634, repr. in *Documents relating to the Trial of William Prynne*, Camden Society Publications, 1877.

Letter to Standing Committee of Somerset, 1642, *Memorials of Civil War*, I, 368.

Letter to Charles II, 1660, *Notes and Queries*, 8″ Series, VIII, 361 f. (Carte MSS.)

Manuscripts

Petition to Lords of High Court of Star Chamber, 1636, Bankes MSS.

Petition for Liberty to Answer for Himself, May 2, 1637, Mildmay Papers.

Letter to Keeper of the State Papers, 1643/44, Sloane MSS. 2035.B.f.12.

Letter to Sir Harbottle Grimston, September, 1661, MSS. Earl of Verulam.

Letter to Desborow, September, 1651, Harleian MSS. 980.468.

Lecture on the Petition of Right, Made in Parliament March 7, 1627/28. Law Reading at Lincoln's Inn, February 17, 1661/62. Stowe MSS. 302/f.47.

Tract against Bishops' Imposing Oaths, December 28, 1663, British Museum 37682.f.71.

Letter to Dr. Peter du Moulin, March 19, 1663/64, Stowe MSS. 755.f.14.

Arguments for an Assize at Bath, Petition to Privy Council, Cal. S. P. Dom., IX, 1668, 113.

Tract on Jurisdiction concerning Church Going, undated. British Museum 37682.5.74b.

Argument as Counsel for Stationer's Company against Patents for Sole Printing of Bibles, etc., and Law Books, 17 Charles I, Harleian MSS. 5909; Hargrave MSS. 98.3.

The Opinions of Mr. Selden and Mr. Prynne concerning the Deplorable Losse of Our Ancient Parliamentary Records, Stowe MSS. 543.f.73b.

TRACTS IN THE COMPOSITION OF WHICH PRYNNE HAD A PART

With John Bastwick:

Flagellum Pontificis and Episcoporium Catialium, 1635. Prynne wrote: "Appendix, Supplementum and Epilogue."

With Clement Walker:

Articles of Impeachment in Parliament against Colonel Nathaniel Fiennes touching His Dishonourable Surrender of the City and Castle of Bristol, 1643.

A True and Full Relation of the Prosecution of Col. Nathaniel Fiennes, 14 December, 1644, 1645.

Declaration and Protestation of William Prynne and Clement Walker, Members of the House of Commons, against the Present Proceedings of the Army, — Their Faction Now Remaining in the said House, January 19, 1649.

With Thomas Salusbury:

Thomas Campanella, An Italian Friar and Second Machiavel, December 16, 1659. Prynne wrote Preface.

Pamphlets about William Prynne

The following pamphlets among the wealth of pamphlet literature in which Prynne is mentioned were selected as significant in Prynne's controversies:

An Animadversion upon a Declaration of the Proceedings against the Eleven Members of the House of Commons, Cambridge, 1647. Attack on Prynne's *Declaration* of 1647.

Brief Narration of the Mysteries of State Carried on by the Spanish Faction in England since the Reign of Elizabeth to This Day . . Especially . . Declaring How, When and Where Cromwell and His Party Were Confederate with the Spanish Faction . . to-

gether with a Vindication of the Presbyterian Party, Oxford, July 10, 1651. Flattering reference to Prynne's speech of December 4, 1648.

Brief Relation of the Death and Sufferings of the Most Reverend . . Archbishop of Canterbury, Oxford, 1644/45. A vindication of the Archbishop.

Certain Considerations Being the Legitimate Issue of a True English Heart, Presented to the Free-Holders and to the Free Men of the Several Corporations in This Nation: To Regulate Their Elections of Members to Serve in the Next Parliament . . . 25 April, 1660, London, 1660. Quotations from Prynne's pamphlets.

Certain Queries Lovingly Propounded to Mr. William Prynne, London, 1647. Attack on Prynne's *Soveraign Power of Parliaments and Kingdomes*.

Character or Ear-Marke of Mr. William Prynne, May 17, 1659.

A Check to the Checker of Britannicus, London, 1644. Probably by Marchamont Nedham. Reply to Prynne's *Check to Britannicus*.

Eight Antiquaeries in Answer to Author of Eight Queries, London, 1647. An Independent reply to Prynne.

Fallacies of Mr. William Prynne, Discovered and Confuted, in a Short View of His Late Books intituled The Soveraignty of Parliaments and Kingdomes, Opening of the Great Seal, etc., London, March 2, 1644.

Fanatique Queries Proposed to the Present Assertors of the Good Old Cause, London, March, 1659/60. Satire.

Free Holders Grand Inquest, touching on Our Soveraign Lord the King and His Parliament, London, 1647. Against Prynne.

Helpe to the Right Understanding of a Discourse concerning Independency, by W. Pryn, February 6, 1645. A vindication of Independency.

Humble Petition of the Peaceable and Well Affected People of the Said Three Nations against Prynne, London, 1659. Broadside against Prynne.

The Last Will and Testament of Sir John Presbyter, who Dyed of a New Disease Called, The Particular Charge of the Army, London, 1647. Attack on the moderate party.

Moderate Answer to . . Pamphlet . . Nine Queries, London, 1647. Answer to Prynne in defence of the army.

Mola Asinaria: Or, The Unreasonable and Unsupportable Burden Now Press'd upon the Shoulders of This Groaning by Allowing

the Lawfulness and Usurped Authority of the Pretended Long Parliament, London, 1659(?). A pamphlet issued in Prynne's name. He indignantly denied the authorship thereof.

Mr. William Prynne, His Defence of Stage-Plays; Or, A Retraction of a Former Book of His Called Histriomastix, London, 1649; reprinted 1822, 1825, and 1905. Published, evidently, by his enemies in an effort to belittle his influence early in 1649. Prynne published a pamphlet denying his authorship of this tract.

One Sheet: Or, If You Will, A Winding Sheet for the Good Old Cause. By W. P., Philopolites, May 30, 1659. This tract, the authorship of which was attributed to Prynne, was repudiated by Prynne.

A Plea: Or, A Protest Made by William Prynne, Esquire, London, March, 1648. Issued by Prynne's enemies to discredit him.

Qualifications of Persons Declared Capable by the Rump Parliament to Elect or be Elected Members to Supply Their House, London, 1660. Favorable reference to Prynne's activities in the Restoration.

Review of a Certain Pamphlet under the Name of One John Lilburne By a Wellwisher to the Peace of Sion, July 14, 1645. Friendly to Prynne.

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